

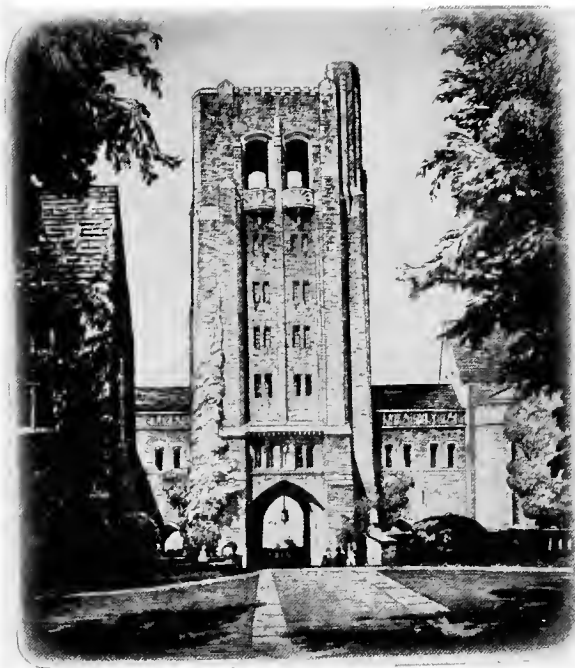
The LIGHT SIDE OF THE LAW

George A. Macdonald



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THE LIGHT SIDE OF THE LAW

The Light Side of the Law

BY
12x16/c R
GEORGE A. MACDONALD



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PREFACE

A NUMBER of these papers have been published in the *Daily Mail* and the *Pall Mall Gazette*, and I am indebted to the Editors of those papers for permission to republish them.

Certain portions of other papers appeared some years ago as parts of more technical articles written for the *Law Times*.

I hope it is superfluous to add that nothing which I have written constitutes anything which might be regarded as a breach of confidence.

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The Confidence Trick

It was really just about a quarter past ten. The office clock had struck ten in the hiccoughing, dusty-sneezy way customary with that ill-used timepiece. Morgan was responsible for its care and regulation, and it was a mystery understood only by him and by the poor dumb thing itself why a clock, started in life with the usual warranties, was always about a quarter of an hour slow in the morning and a quarter of an hour fast in the evening.

"That clock's wrong again, Morgan," Mr. Craft would say.

"Yes, sir ; want's a man to it, I think," Morgan would reply.

Then Mr. Craft would pass on, with a growl about petty cash expenses, and matters would go on as before.

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Morgan was the only one in the office who stated that he quite grasped, from the first, the principles and working of the Daylight Saving Bill which just then occupied the attention of the House of Commons.

Three clerks occupied what was called the "general office" of Messrs. Crooks and Craft. They were divided by a small counter from the space wherein clients presented themselves and awaited the leisure of Mr. Craft. They took the names of callers, copied letters, got in each other's way, and conspired to conceal each other's expedients for passing the time. On this particular morning all three, in restful attitudes, were completing their study of the football results, with ears well open for a familiar footstep.

"Guv'nor's late this morning," said Beeble, and just then the telephone rang.

You may have noticed that, in a private house where there are two or three young ladies, a telephone ring usually produces a rush—a pretty, centripetal movement, a scurry of skirts—inspired either by

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desire to save the operator from the trouble of ringing again, or by natural curiosity as to the nature of the call. In an office where the responsibility of answering it is shared by three or four youths between the ages of fourteen and twenty an exactly contrary spirit prevails. Beeble looked invitingly at Morgan; Morgan made an ungainly elbow movement towards Porter; Porter rose and began Sandow exercises with the letter-press and, like the Psalmist's adder, was deaf to the voice of the charmer.

The telephone rang again. A voice from the adjoining room shouted :

"Can't some of you attend to that telephone?" — whereupon Beeble rose leisurely, unhooked the receiver, and reminded the young lady at the call office that patience is one of the Christian virtues most strictly enjoined upon all of us.

Having finished his remarks, he appeared to experience something in the nature of a galvanic shock, and then replied, in a vastly altered voice :

"Yes, madam. Very sorry to hear it,

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madam. I'll fetch him at once. Just one minute, madam."

He placed the receiver gingerly on the table.

"Lor lummy, you chaps, it's the Guv'nor's wife," he whispered, then sped into the next room whence the voice had proceeded.

"Mrs. Craft wants to speak to you, Mr. Napper."

Mr. Napper was making and fitting on his paper cuffs. The office stationery was of just the right texture. All careful and earnest-minded clerks make paper cuffs. They are an excellent device. If the wristbands are clean, the paper cuffs protect them; if they are dirty, the paper cuffs hide the dirt; and, with a little ingenuity, you can still wear your handkerchief pushed up your left sleeve and so convey an impression of military instincts and training.

Mr. Napper stepped to the telephone. He received the information that Mr. Craft was in bed with a feverish cold, and that he, Mr. Napper, was to open the

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letters, see anyone that called, and generally supervise the office.

"Certainly, madam. Please assure Mr. Craft everything shall be attended to. I hope he'll soon be better. Might I mention that, with an aunt of mine, eucalyptus and ammoniated quinine were found most——"

Something went wrong with the telephone, as something generally does, and Mr. Napper turned to his sniggering juniors.

"Want to kill the old man, Mr. Napper?" inquired Beeble.

"And telling him the sovereign'st thing on earth was parmaceti for an inward bruise," quoted Morgan, who had stage aspirations. "Perhaps now we shall be allowed to start fires in the office."

Mr. Napper looked severely round.

"Now then, you fellows, stop this and get on with your work. Porter, take off that thing you've pinned on Morgan's back. Beeble, I shall want to dictate some letters to you in a few minutes."

He marched into his principal's room

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and closed the door. The letters stood in a pile upon the table and, as he seated himself before them, he glanced at the speaking-tube, fastened to the right arm of the chair, to see that the whistle was in its place. Mr. Napper had a disagreeable recollection of a similar occasion, some twelve months ago, when he had failed to notice the absence of the whistle, and when, during an interview with a client, there had proceeded from the tube a weird sound and a rush of air, followed by a dazed and infuriated bumble-bee. The perpetrator of that joke—a desperate fellow quite unsuited for a lawyer's office—was believed now to be in Klondike, but the incident had made Mr. Napper observant of speaking-tubes.

He opened and read the letters, carefully punching each with a date stamp and placing cheques together on one side under a paper-weight. He was slicing the last envelope, when Morgan entered the room. There was something impulsive about Morgan's movements. His method of opening a door always suggested that he

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struck it with his boot, knee, elbow, fist, and head simultaneously, and that the catch had given way.

"I wish you wouldn't burst in like that," said Mr. Napper, angrily.

"Lady to see you, sir," replied Morgan.

"See me? What's her name?"

"Miss Myrtle. She asked for Mr. Craft.

"Did she say what she wanted?"

"No."

"Don't seem to remember the name. Mr. Craft never sees folks unless they state their business or bring an introduction," mused Mr. Napper. "Does she—is she young?" he added.

"'Bout your age," replied the messenger.

"Good-looking?"

Morgan looked straight ahead with expressionless countenance.

"Couldn't say. I'll go and ask Porter. He reckons to be a judge in such matters."

"Don't be a fool," rejoined Mr. Napper. "Show the lady in. And another time when you are coming into the room, please remember to knock and enter quietly."

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There entered a lady demure, of mien and quiet of step, small and neat of figure, dressed in black with a bunch of violets pinned in her coat, and with eyes the brightness of which her veil was unable to conceal. Mr. Napper looked up. It was a Monday morning, so, with a dexterous movement, he managed secretly to shed his paper cuffs in the waste-paper basket.

“Is it Mr. Craft?”

She had a low, clear voice, Mr. Napper noticed.

“No, miss,” he replied; “Mr. Craft’s away unwell.”

“Mr. Crooks?”

“Dear me, no!—He’s dead.”

“Oh, I’m so sorry——”

“No need to trouble, miss,” said Mr. Napper; “it happened a long time ago. Everyone’s quite got over——” And then he could have kicked himself for a dull duffer.

The girl’s costume was, indeed, sufficient indication that to her, at that moment, the idea of anyone being dead and then forgotten was painful.

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"I'm the managing clerk here," Mr. Napper went on hastily, "and whatever Mr. Craft could do for you I'm sure I shall be most happy——" The sentence tailed off into the murmur with which young men like Mr. Napper usually end that kind of speech.

Miss Myrtle produced a newspaper cutting.

"I see you are advertising a house for sale at Putney. I called for particulars, and to know if it would be suitable for a man with a delicate chest to live in."

Mr. Napper responded with alacrity.

"I can tell you all about it. It's a nice little house, modern construction, hot and cold water, no basement——"

"Not a clay soil, I hope?" she interrupted. "With his tendency to rheumatism——"

"Gravel soil, I assure you," said Mr. Napper. "Is it your father you're so anxious for?"

"No," said Miss Myrtle; "I haven't a father. It's Albert—the young man I'm engaged to."

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Mr. Napper experienced a vague feeling of annoyance and injury.

"The house is very handy for the City," he interposed.

"That doesn't matter," replied the lady. "Albert doesn't go to the City; it's too strenuous for him. I'm afraid he'll never earn very much. It's lucky I've come into a bit of property of my own. I don't think Albert will try business again. He has seizures, you know. If I'd brought him with me this morning he'd have had a seizure here, as like as not."

Mr. Napper felt a growing dislike towards Albert.

"Yes," continued Miss Myrtle, "it's lucky I can provide for both. I've just lost my uncle. I was his only niece and lived with him, and he left me everything."

There was a liquid look about those bright eyes shining through the veil, Mr. Napper noticed. Like looking at the reflection of stars in a pool on a still night, he thought.

"It doesn't do, however, to think back," she resumed more lightly. "I must be

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brave, for there's a lot of business to be done. I haven't even proved his will yet."

Mr. Napper's professional instincts awoke.

"Not proved—surely your uncle's solicitor——"

"Oh, yes," replied Miss Myrtle, "he wrote and he called. But he looked very severe and—and—elderly—and not sympathetic; and I've heard such dreadful things of solicitors. So I just told him I'd think it over and write. But I must go to someone soon." She hesitated a moment. "I expect you know all about the law, and you look—kind. I suppose you couldn't——?"

Couldn't he? "There is a tide in the affairs of men——" Mr. Napper sat up briskly and cleared his throat. Mr. Craft should return to business to find that his most excellent managing clerk in his absence had secured a sound piece of business and a charming client to boot. He banged the bell on the table, and then looked impressively at the lady.

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"I can assure you, Miss Myrtle, that if you will place the business in connection with your uncle's estate in the hands of this firm, it will be soundly and economically carried through."

There was a gentle knock at the door. Mr. Napper did not notice it.

"Tell me, will you, what the estate consists of."

"There's the house at Hampstead which he lived in. That was his own," said Miss Myrtle.

"If that is yours, why do you want to buy the house at Putney?" said Mr. Napper.

The gentle knock at the door was repeated. For two or three seconds Miss Myrtle seemed just a trifle taken aback.

"The Hampstead house is right on the hill, you know, and with Albert's weak heart we think Putney more suitable. Besides," she went on confidentially, "Albert has unpleasant associations with uncle's house. Uncle was dreadfully uncivil to him. The things Albert had to put up with would surprise you!"

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Fine old gentleman, the uncle, I dare say, thought Mr. Napper.

"I think there's someone knocking," volunteered Miss Myrtle.

The remark recalled Mr. Napper's thoughts.

"Come in!" he shouted.

Silently the door opened and Morgan entered, stepping delicately. He reclosed it with the tiptoe manner of a watcher entering a sick-room, and then stood at attention.

"Tell Porter to write out an order for Miss Myrtle to view 'The Laurels,' Putney, and bring me some 'instructions' paper. Don't stand blithering there," he added with asperity, for Morgan's revised method of entering the room had caused the fair client to raise her eyebrows.

Now was the managing clerk to be seen at his best. He rapidly wrote down the various details as Miss Myrtle supplied them.

"You see, uncle left mainly house property. I suppose it will all have to be sold?"

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“Valued first and probably sold afterwards. Have you any preference as to a firm of auctioneers?”

“Oh, it would be so kind if you would recommend someone,” said Miss Myrtle, confidingly. “If you could give me a letter of introduction to a good firm, I could call and see them at once.”

It was evidently his day, Mr. Napper felt. Mr. Craft, he knew, was on the look-out to put some business in the way of Messrs. Gammon and Spicer. Things seemed to fit in like a Chinese puzzle.

“I’d come with you myself, only I can’t very well leave the office. However, this will answer the purpose.”

He scribbled a note introducing Miss Myrtle, “an esteemed client of ours desiring a valuation at once of certain house property.” It requested early attention to the lady’s business, mentioned the pleasure it had been to recommend Messrs. Gammon and Spicer, and was signed by Mr. Napper on behalf of Crooks and Craft.

He handed her the note and the order to view. Miss Myrtle rose.

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“Thank you so much for your kindness. I’ll call to-morrow and bring the deeds and papers. I can’t tell you what a relief it is to feel the business is now in experienced hands.”

The grateful glance he received caused Mr. Napper a shiver of delight. This Albert seemed a poor sort of a creature ; there was no knowing how things might not turn out. The girl opened a slender purse.

“How much do I owe for this interview ? ” she inquired timidly.

“My dear lady,” replied Mr. Napper magnificently, “we don’t do business in that way. Allow us to complete our services, and then we will talk of fees. Gammon’s is in the Poultry, about a mile and a half from here. You’d better take a taxicab, if you aren’t afraid in them.”

Miss Myrtle was exploring her purse.

“I am afraid a taxicab, or even the humble bus, is out of the question. What a silly girl I am ! Do you know, I find I have come out without even a copper.” She smiled as she closed the purse.

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The gilded roof was upon the structure of Mr. Napper's good fortune.

"Lucky you found it out before leaving here," he said, feeling in his pocket. "Allow me——"

"Oh, I couldn't—I really couldn't——"

But it was no longer a question of managing clerks. It was the case of a gentleman coming to the rescue of a lady in distress, and masculine power prevailed.

"Well, just enough for the bus fare and the tube back to Hampstead."

She was not the girl for buses and tubes, thought Mr. Napper. That might be Albert's way; it was not his.

"You must have a cab," said he with decision, "and there may be something you will want to purchase on the way home."

Half a sovereign was gently pressed into the slender, gloved hand, and then with thanks, protestations, apologies, and one last, bright glance, Miss Myrtle disappeared.

"Curse Albert!" thought Mr. Napper

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as he closed the door and turned back to the prosaic surroundings of his daily work.

* * * * *

Despite his responsibilities, there was a mood of reverie about Mr. Napper for the rest of the morning. They were half-way through the tune for the second time before he noticed and stopped "Oh! that we two were maying" being hummed in the general office. But there were letters to be written and callers of an ordinary type to be attended to. He was just changing his coat to go out to lunch, when Porter came to say that Messrs. Gammon and Spicer would like to speak to him on the telephone. He obeyed with alacrity.

"That Mr. Craft's managing clerk?" inquired a voice. "Much obliged to you for the introduction. The lady has given us quite a lot of instructions. Suppose everything's all right?"

"All right?" repeated Mr. Napper. "Why certainly. What do you mean?"

"Oh, nothing," replied the voice; "only she said she had a number of payments to make, and asked us to cash a

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cheque for five pounds. Seemed curious ; but, of course, coming from your people, we knew it was all right, so we let her have the money. Charming young lady, she seems. We'll see to the valuation to-morrow. Thanks again. Good-bye."

* * * * *

It was Thursday before Mr. Craft, muffled as to the throat and in villainous temper, returned to his professional duties.

On Wednesday Mr. Napper had had a personal and confidential interview with the head of the firm of Gammon and Spicer, at which interview, in exchange for five golden sovereigns of his own, he received his letter of introduction, a cheque in a dainty, feminine hand, marked "no account," and a promise that the incident should remain a secret as against the whole world.

Talk about castles in the air ! Mr. Napper felt dazed ; the thing seemed incredible. There was no uncle, no house at Hampstead, no houses anywhere. No Albert—or if there were, he was probably

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very different from the creature who had earned Mr. Napper's contempt.

"It's enough to shake your faith in human nature," said Mr. Napper to himself. "It'll have to be Margate instead of Switzerland for me this summer. I've had to pay for a lesson. I wonder if it was Albert that put her up to the game. I'd like to meet him. I really would."

Mr. Sharkles' Chance

THERE was no older or grimmer building in lawyer-haunted Bedford Row—that legal backwater debouching northward on noisy Theobald's Road, and filtering southward into Holborn through narrow Hand Court, up and down which, all day, solicitors' clerks with summonses, affidavits, and briefs flit like bees from a hive. There is—or was until recently—a worn plate on the gloomy door: "Donnithorne and Son," almost illegible under the conscientious polishings of generations of housekeepers. The words "and Arblaster," on a piece of brass of later date were super-added, and underneath it, painted in black letters, there appeared, "A. M. Sharkles."

Donnithorne and Son was an old and widely-known firm. There was scarcely a judge on the Bench who could not recall the day, were it not convenient to forget it, when an introduction socially to a

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Donnithorne had seemed a much to be desired incident. Papers from Donnithorne's office were a recognised stage in a young barrister's career. The original Donnithorne had represented the historic tailors of St. James's Street in an action brought against the Prince Regent. The suit is still interesting to lawyers for certain *obiter dicta* which fell from the Bench in connection with the remarkable argument adduced for the plaintiffs: that the constitutional law whereby certain statutes of limitation did not run against the Crown prevented a direct heir to the throne from setting up that plea in an action brought against him for goods sold and delivered. Another Donnithorne had delivered a watching brief at the trial of the unhappy Queen Caroline, in the interests of a distinguished person of the house of Saxony. There was a Donnithorne who proceeded to the other branch of the profession, and ultimately rose to the Bench, where he was celebrated for the severity of his demeanour, the profundity of his learning, and ultimately for

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a deafness that eclipsed both, so that he became a byword for impartiality in that it was said he never heard anything addressed to him on behalf of either party, but evolved decisions in unbroken silence from his inner consciousness.

Donnithorne and Son were the advisers to whole counties, and dimmed and dusty piles of papers attested the rigour with which they upheld the landed interest and lined their own pockets during the railway boom of the roaring 'thirties and 'forties. So that at last came the time when Donnithorne and Son sailed as a great ship, easily and without effort, upon the deep waters of an immense connection and unbounded credit.

It was Son only for ten years—and then came Arblaster. Son grew tulips and played the violin, and was interested in Persian manuscripts; and for several years before his death, and for fifteen after, it was Arblaster only who rapped at the door of the Bedford Row offices before nine each morning, and closed it each evening long after the last clerk had sped cheerfully home.

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A grim, rough-tongued man was Arblaster, with a way of bristling his red hair and going crimson when contradicted before which other men quailed. A laconic, terrible, unmannered man, yet the carriages rolled up to the office as in the days of the suave Donnithornes.

"Such a bear the man is," agreed my lady and the duchess, "that it would be dreadful to think of his being on any side except one's own."

And my lord and his honourable son called not so much to be advised as to receive orders at the office where japanned boxes bearing their names had stood collecting dust for a century.

"Think what he knows," said they to one another.

Their confidence in him was sublime. There was no need for a coach and horses to drive through an Act of Parliament; Arblaster himself, with his bull neck and broad shoulders and indomitable aspect, seemed to them capable of doing it single-handed. Without family and desiring no friends, fierce and compelling, he drove

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his clerks and bullied his clients, and always—*always*—opened the letters before the cleaners had finished their perfunctory morning rounds, and clanged the doors of his big, iron safe long after the creaking of the old woodwork and the stealthy scuttle of rats told him that he alone checked with his presence the ghostly solitude of the old house. Then he would go—no one knew or cared whither. He was, as it seemed, a thing alone.

* * * * *

If what has been written conveys any idea of the nature of the business of Don-nithorne, Son and Arblaster, and of the man to whom that business belonged, some impression may be formed of the surprise which his clerks felt on the morning when he did not turn up; of the perplexity which grew as the day dragged on without his appearance; of the confusion on the following day when there was still no Arblaster or message from Arblaster; of the fruitless inquiries at his flat, and at clubs and hotels; of the distinguished clients driving away grumbling; of a

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desperate and fee-less conference with counsel; and (on the third day) of the distracted senior clerk's violation of the locked and sacred letter-box into which, during all that time, postmen had been pouring the correspondence which, in a well-conducted solicitor's office, is as the water turning the mill. Mr. Sharkles presumed, with trembling hands, to open and read those letters. There was one after reading which he locked the door, and sat as in a trance till the voice of newsvendors roused him. For the name of the man in whose chair he sat, and whose letter he was reading, was being shouted in connection with a swollen and horrible drowned thing lying in a Thames mortuary.

* * * *

Privately, the Official Receiver confessed, a dozen times over, that he did not know where he would have been or what he would have done without Mr. Sharkles. It was Mr. Sharkles who first caught hold of the flying strings of the business, who instilled some method into the demoralised clerks, and repelled the newspaper in-

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quisitors. He alone knew who people were, and distinguished between the tearful and incoherent client who had to be treated with consolation and smelling salts, and the mere rentpayer who had to be reminded that the catastrophe did not necessarily mean an indefinite moratorium so far as rent was concerned. It was he who spotted the characteristic twirl in the letter "r" whereby reputable signatures and signatures for which Arblaster was responsible could be distinguished.

It was Sharkles who tracked and earmarked funds—from the guileless, trusting remittance, through the ingenious and misleading ledgers, right down to the open cheque and bottomless pit into which everything led. It was he who worked early and late when the bombshells began to burst, when the injunctions to restrain the parting with this, and the mandatory order for the delivery up of that, began to fall around. It was Sharkles who received the first impact of everything—even to a severe bodily assault from an irate and defrauded baronet, who had hurried up to

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town having sworn a bloody nose for the first person whom he should encounter at his late solicitor's office. The ruin and fraud were complete. There were trust funds, on which interest had regularly been paid, supposed long ago to have been advanced on securities which it now turned out had never existed. There were ancestral deeds, pledged with banks under mortgages bearing signatures of noblemen who declared they were advised and told they were executing settlements. The miserable victims fought one another for the remnants of the wreckage. Nothing, small or great, which could be turned feloniously to his own ends seemed to have escaped the attention of Arblaster. The wealth of the banker's widow and the few hundreds of the retired butler alike had disappeared under his disastrous hands. It was noted by the Official Receiver, and verified by him that Mrs. Sharkles' own £2,000, which had accounted for Mr. Sharkles' speculation in matrimony, had disappeared with the rest of the booty which had come within the dead man's reach.

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The fact weighed with him in a direction which probably Sharkles never suspected, and when, at last, the dreary business was through, and the flying energies of Sharkles relaxed and the wailing of the victims no longer interested the public, the Official Receiver raised no difficulty about the hiring by Sharkles of the ground floor of the old building, and even accepted a quite modest sum from him for the purchase of what, with deadly irony, was described as the "goodwill and connection" of the business of Donni-thorne, Son and Arblaster.

* * * * *

It is saying a good deal for the sound sense of Mr. Sharkles that he knew exactly what he was purchasing, and was under no misapprehension on the subject. But he had been bred in a stern school. A grocer's son, he had started as office boy, and through the various and disciplinary grades of a solicitor's office he had picked up with retentive mind what may be termed the business aspect of that profession. Arblaster had given him articles in lieu of a

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well-earned, but inconvenient, rise of salary, and Sharkles had boldly speculated the whole of his savings bank accumulation in payment of the stamp duty on that coveted document.

Thereafter the studying of textbooks had proved a way of spending his evenings more economical than the ordinary occupations of law clerks outside office hours. The meeting with Mrs. Sharkles had scarcely interrupted the course he had marked out. She was a publican's widow who evoked his admiration by the business-like manner in which she disposed of her first husband's affairs and raised the hapless fund before alluded to, and she suggested a means of escape from two sisters whose red noses, sharp tongues, and disappointed attitude towards life were getting on his nerves and spoiling his evenings.

Now the goal was attained. Mr. Sharkles took out his certificate, and, as hinted, had no misgivings or false ideas about what he had purchased. The machinery was re-started. Business went forward, but on a reduced scale and upon altered lines. No

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longer did affluence and dignity roll graciously to the door. No more did cockaded grooms hold the heads of impatiently pawing carriage horses, the while their owners held long consultations within. The singed butterflies had fled westward, and the scorched moths cityward. The landed gentry, with maledictions, had removed their tin boxes and their papers ; but what Mr. Sharkles had relied upon remained.

Donnithornes had held in their hands not only the wealth of their clients, but their secrets. Arblaster had made hay of the first, but secrets form a less realisable commodity. In these, to a modest extent, Sharkles had shared. There were quarterly remittances, for instance, to Australia and South America. Between donors and recipients, mutually agreeable to be at arm's length, had always been Donnithornes. There were rents to be paid punctually and anonymously. There were identities to be established and occupations and addresses to be concealed. There were commissions to be collected, lives to be watched, levers to be moved, and

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screws to be twisted. In a word, the backwaters of the old business remained for Sharkles. And gradually these refilled. The less reputable clients, with their shady business, crept back. Not with any enthusiasm on either side; the clients needed Sharkles, and he knew what they needed; and no time had to be wasted on explanations. Mr. Sharkles put up a brass plate on his residence in Camden Town, and Mrs. Sharkles, in the pride of being a professional man's wife, almost forgave him the loss of her £2,000.

* * * * *

Now at this stage, and without trenching on the province of those recording angels who, as they have wider vision, it is to be hoped take broad views of erring man, let it be emphasised that Sharkles deserves no small measure of sympathy, and even praise, in his struggle with this troublesome business of earning a livelihood. That he had risen by his exertions has been seen; that he had ambitions can easily be gathered. He had sound views as to the code of honour of the profession

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into which he had obtruded himself. He cherished his respectability, and had social aspirations in Camden Town. He accompanied Mrs. Sharkles to church, and was as sincere as anybody else in praying that he might lead a godly, righteous, and sober life. He yearned for a high-class practice, and could he only have afforded to do so he would have swept into the sea the whole horde of seedy city men, tarnished honourables, and soiled doves who commanded his professional services during the week. But circumstances were too strong for him. The nature of his practice had been determined for him by fate. A certain type of client knew and advertised his aptitude for the class of work they needed. The rent of the Camden Town house had to be paid, and the domestic expenses met. Sharkles had to do what more fortunately placed solicitors shied at, and each year seemed to force him nearer the risky edge of the precipice.

The Paragone divorce case was the finish of it all. Much as, privately, he disliked many of his clients, Mrs. Paragone

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was the one that he would most gladly have jettisoned. Sharkles' experience had, on other occasions, brought him into contact with her like. He was neither subdued by her good looks, dazzled by her jewellery, nor moved by her sorrows. But she had a force of character and a way of "speeding up" the machinery of the law which, at times, threw him off his balance. Where her own wishes were concerned, her recklessness and lack of consideration for others made her as dangerous as a hooded snake. Above all things, she desired to marry again, and, for that purpose, to be rid of a spouse who in worthlessness was her own equal.

"I've seen that man again, Mr. Sharkles," said his client, with what is described as a sweet, sad smile. "I think we have come to an agreement this time, so please begin."

"If you come here talking about agreements, I'll have nothing to do with the business," growled Mr. Sharkles.

"Well, then, consider that unsaid"—the lady laughed merrily.—"I've come to

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instruct you to petition on my behalf. You know he has failed to comply with the order for restitution; or—if you prefer it—here is something else.”

The lady rolled back her sleeve, and showed a blue and yellow bruise on her dimpled arm.

“Brute, isn’t he?”—the lady laughed again—“now I know this will mean fees to be paid and all that kind of thing, so——” A crispy, crinkly, little ball of paper was tossed across the table.

Mr. Sharkles walked slowly across the room and back.

“All right,” said he.

* * * *

Curious persons strolling through the corridors of the Law Courts can always identify the particular one wherein matters of divorce receive attention, by means of the two uniformed attendants guarding the doors, and by the row of nondescript women who sit giggling and snivelling on the oak seat fronting those entrances. From time to time one is called in, to emerge, later, dissolved in tears, or hot with indignation,

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according to the treatment she has experienced. Within, it is always a full court that sits watching unprofitably the stalest and commonest story.

Counsel practising in this court require special aptitudes and have to cultivate the right manner. A grave style—as befitting the painful subject—should be aimed at; and an easy, open, candid expression is essential to success. A manner which suggests reservation, or the keeping of anything back, is fatal in a court where, in its sleepest and dreariest moments, there are unknown watchers. It is sufficient to remember that, in this country, a man and wife mutually desiring divorce may not have it; the remedy existing, in theory, for cases where one party is opposed to the separation.

There was a day devoted to the hearing of undefended cases—one of those occasions when the work of the court proceeds with horrible expedition. Counsel droned, quill pens scratched, and the judge dozed, or seemed to doze. The hand of the clock had crept to 3.30. Eminence had taken

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its departure from the inner Bar, and junior counsel only remained, dealing with the rest of the list. A lady, attired inconspicuously in black, with a low and hesitating voice and wearing a veil which, even at a request from the Bench, was only partially removed, had given the customary evidence with the customary hesitation. The usher yawned and stretched, and began to replace books with a view to the rising of the judge and the closing of the court.

Suddenly his lordship looked up and addressed a question to the lady's counsel. A slight stir passed along the Bar and communicated itself to the spectators behind. The usher, galvanised into alertness, stepped into the corridor and shouted a name. The judge had ordered a witness to be recalled, so the whisper passed, and the corridors rang with shouts of the afore-said name until a perturbed-looking man, wiping his moustache with his handkerchief, was half pushed through the bystanders and into the court.

It is strange how news flies round the

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courts. Junior counsel flocked in and crowded the gangways. Eminent K.C.'s returned and slid quietly into the spacious quarters reserved for their accommodation. For the judge was ordering the petitioner, all her witnesses, and her solicitor to be in court at 10.30 the following morning, and that efforts should be made to find and bring the respondent.

Miserable Mr. Sharkles! There followed a frenzied conference with counsel, and the hasty briefing, in Sharkles' own behalf, of eminent counsel specially noted for dexterous extraction of persons in tight corners. Then came a nightmare of sleep, an unrefreshed awakening, a court packed to suffocation, a feeling on Sharkles' part that he was trembling and perspiring at every pore. There seemed a mistiness and confusion in his mind, out of which but one impression remained—the appalling clearness with which the concluding words of his lordship smote his ears:

“This has been a case of the grossest collusion. It constitutes an abuse of the

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process of this court for which, in my judgment, the solicitor, as an officer of this court, is primarily responsible. The papers will be impounded and sent forward, with my notes, and with some observations which I propose to write, to the Disciplinary Committee of the Law Society. That body will, no doubt, understand the fit method of dealing with such part of this scandalous proceeding as has not been directly determined by myself."

* * * * *

"Solicitor struck off the rolls. Echo of the Donnithorne Scandal."

So the evening papers, a few weeks later, headed their reports of the case. Mrs. Sharkles had one in her hands as she received him, with revilings, on the doorstep. Mr. Sharkles seemed tired, and had not much to say in defence of himself.

And here any little general interest that attaches to Mr. Sharkles' career ends. Indeed, at about this stage his own interest in his career practically dried up.

Fortunately, from a bread-and-cheese point of view, Messrs. Smirk, Trubble,

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and Prance required a Common Law clerk. Mr. Smirk was of the effusive, white-waistcoated type, and was glad to throw an atmosphere of philanthropy about the engagement at a moderate salary of an experienced clerk. Mr. Prance had his doubts. He was a young man whose accession had enabled the firm's notepaper to be graced with letters indicating academical distinction. He wore irreproachable frock-coats, had the grand manner with clients, and was reputed to be great guns at Roman Law and the philosophies of Bentham and Holland and Maine. There would arise, however, mean points about sheriffs' officers and garnishee summonses and such like, when Mr. Prance would bang his bell and order the office-boy to tell Sharkles to step in for a moment. So he, too, tolerated Sharkles, who, without visible repining, settled into his place as a member of Smirk, Trubble and Prance's staff.

It was a big, bustling business, and Mr. Smirk believed in stimulating *esprit de corps* by an occasional office function of

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a social sort. He it was who conceived the happy idea of a garden party at his Tooting mansion, whereat the junior clerks walked about in nervous discomfort, trod on each other's feet, and bashfully avoided the eyes of the Misses Smirk.

There is a last vision of Mr. Sharkles, sitting silent at the annual firm dinner—a great function towards the end of which the office comedians would make bold in the presence of their employers and unsuspected musical talent would be unearthed. Mr. Prance condescended to exhibit his powerful baritone “in a good old English song where you fellows can join in the chorus.” So the pianist's efforts are drowned in :

“ And he that will not join with me,
 With a fal-la-la-la-la-la
In drinking health to His Majesty,
 With a fal-la-la-la-la-la
May he grow old and his spirits sink,
May his wife be cross, and his money shrink,
May he never again have a chance——”

“ That's me,” said Sharkles, as he rose wearily to go home.

Lady Carteret Makes Her Will

MR. GOLIGHTLY scanned thoughtfully a neatly typed letter before him, then added to it a signature of amazing illegibility and turned to the clerk waiting beside him.

“Have that delivered at once, Pounce, and show Lady Carteret in.”

There entered a lady, opulent of presence, expensively attired, obviously of social importance. She made a little gesture, indicating coquettish protest at the dusty surroundings, swished gracefully into the arm-chair, and dropped a toy Pom into the waste-paper basket.

“I have come to ask you to make a will for me, Mr. Golightly.”

The lawyer nodded slowly and gravely, took a sheet of blue paper, dipped his pen in the ink, and looked at his client.

“I have ventured, more than once, to

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suggest that it would be a wise and prudent thing to do," he remarked.

Lady Carteret was of inconspicuous descent. She had started life dowered only with a good education, an alluring smile, and an incomparable chin. The equipment was slender but adequate, for it made her a baronet's wife. When, a year after her marriage, Sir John died suddenly, she found herself the owner of half his wealth. When poor little Sir Julius Carteret, not ten weeks old—born to riches which did not matter to him, but with a puny physique which did matter very much—had wailed himself into final silence, she became the owner of the other half.

Fifteen years had passed. Time and temperament had softened and then obliterated the tragedy. The incomparable chin had developed a sequel, and no longer merited the adjective. Lady Carteret had tasted power and the good things that money can buy. She was worldly-wise to the finger-tips, had said "no" with decision and judgment at least three times; and,

LADY CARTERET'S WILL

so far as natural affection still swayed her, it displayed itself mainly towards the small dog that now yelped in the lawyer's waste-paper basket.

"I believe," said the lady, "I have thought of everything. I should like my maid, Anita, to have my wardrobe."

Mr. Golightly neither expressed nor felt surprise at this announcement. He was a student of human nature. He had observed that women attach more importance to what Mr. Wemmick called "portable property"—their jewels and visible surroundings—than they do to the unseen and uninteresting stocks and funds which render possible the enjoyment of these things. He had known a duchess, with the disposal of half a county in her hands, whose first testamentary instruction concerned the successive enjoyment of a silver teapot.

"The whole of my wardrobe to my maid, Anita," the lawyer wrote and repeated.

"Yes, and a year's wages to all servants in my employment, not under notice given or received. Wardrobe wouldn't

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include laces, would it ? ” Lady Carteret added suddenly.

The lawyer looked up.

“ I think it might be held so to do.”

“ Gracious ! My Irish point is worth hundreds. Anita would sell it and marry one of the tradespeople. Please make it clear that lace is not included. I must think of someone else to have that.”

Mr. Golightly added a note to his paper of instructions.

“ Now, please put down my jewellery to be divided amongst my nieces in accordance with a memorandum that I shall leave.”

The lawyer smiled and looked up. He had been waiting for that proposition.

“ I am afraid that isn't practicable,” he said, and proceeded to explain the principles as to formality and attestation which underlie the law relating to wills.

“ What is a poor woman with no family to do,” exclaimed Lady Carteret, pathetically. “ Affection for nieces must fluctuate. Yesterday, before she made a flimsy excuse for not accompanying me to Marienbad,

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Marjorie would have had my diamond pendant. Now I want to give it to Ethel, who is going to do her duty by her aunt. Later on, when Ethel's giggle gets on my nerves, as it always does, I shall want the pendant to go to Gertrude—though I dislike her husband.”

“You can always make a codicil,” suggested the lawyer.

“Yes, if there's time,” assented his client. “Well, put them all in the will”—she handed him a sort of catalogue—and I must bring it up to date, every now and then, by codicils.”

There followed instructions for sundry other bequests. The provision with regard to the family plate, which, in certain contingencies of marriage, was to go to Captain Carteret, and in others was to pass to his sister, proved complicated under Mr. Golightly's analysis, and the lady grew restive. The lawyer observed his client's mood, and suggested an alternative and simpler course.

“Yes,” said Lady Carteret, beamingly, “that will be splendid. And now I think

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I have thought of everything. Please have it written out and I'll come and sign it."

She rose, glancing at her watch. Mr. Golightly looked surprised.

"My dear madam, are you forgetting your income? Stocks, mortgages, houses, lands—what is to become of these?"

Lady Carteret resumed her seat.

"I don't know," she said slowly; "I hadn't thought." Then her brisk, decisive manner reasserted itself. "The money wouldn't do my nephews and nieces any good. The boys who now work would give up working, and the girls who haven't married would get husbands of the sort they are better without."

"Your friends," suggested the lawyer.

Lady Carteret looked earnestly across the table.

"Mr. Golightly, have you ever thought how thin and slight is the affection which makes us polite and hospitable to each other in this pleasant world? I like society. I like people. They amuse me, they interest me, they stimulate me. When they drop out, I am sorry. But it would be affecta-

LADY CARTERET'S WILL

tion to say that I love my friends. If there is anyone whom I should like to benefit by a large legacy, I am sorry to say I cannot think of his or her name."

"Charities?" said Mr. Golightly, helpfully.

"A splendid idea," said Lady Carteret. "Divide £50,000—no, £25,000—amongst some hospitals. I leave you to decide which, but please find out and include the name of the one where they took my coachman last year after that horrid accident."

"There remains £75,000 or thereabouts?"

"Mr. Golightly, tell me what will happen to it if I don't leave it to anyone?"

The lawyer indicated its destination according to the Statutes of Distribution. Lady Carteret thought for a minute, then arose decisively and buttoned her glove.

"Please make that will just as I have given it, and with regard to the 'residue and remainder of my real and personal estate'—I think that is what you called it—say that I wish it to go as if I hadn't

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made a will at all. Good-bye. So sorry to have taken up such a lot of your time."

* * * * *

Mr. Golightly arose slowly and opened the window. There was a scent of violet in the room which might prove disconcerting to the next caller. Then he delivered himself of an apothegm.

"Experience teaches me that, except when she has a husband, the law generally makes a better will for a woman than she can make for herself."

Divorce Court Impressions

Who, treading the long corridors of the Law Courts, ever associates the guarded portals of the Divorce Court with the hapless Anne Boleyn? No mere coincidence of fairness and frailty is suggested, but a direct historical connection. Anne's bright eyes attracting the strong-willed Henry were the sparks that kindled in this country that huge mass of combustibles—religious, social, dynastic—which men call the Reformation. And when the roar of that conflagration had passed away, the King and Parliament found themselves with power and control over matters ecclesiastical such as they had not enjoyed before.

Matrimony had been exclusively under Church jurisdiction. The State regards it as a civil contract. To parents it has ever been an alliance of families; to friends, a pageant; to the man and woman themselves it may be the vision of "the light

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that never was on sea or land," or anything else apocalyptic and wide of the mark. But to the Church it was always an indissoluble tie, made by God and not to be sundered by man. It took the Reformation and a century or two of fierce struggle before the secular arm could free the innocent from the faithless.

Finally, as the result of great and still unsettled controversy, there emerged, fifty years ago, the Divorce Court as we have it to-day.

It is a thing of empirical compromise; a strange welding of Mosaic law, feudal principles, and modern expediency. It knows itself for an institution of mixed pedigree and confused moralities. Its eyes are often closed to things which the rest of the world sees clearly; it sometimes opens them to things which we are tempted to think might be winked at. On one day it will drone out the decree which has been schemed for; and on the next will blow to smithereens some luckless, less discreet petitioner who has grasped less perfectly the principles governing the court's procedure.

DIVORCE COURT IMPRESSIONS

Let us then look at the Divorce Court—to lawyers the least interesting in the entire building, but, alack! for public taste, the one court which is always sure of a full audience. There is the usual public gallery, and thence, year in year out during sittings, an audience which by no pretence of flattery can be called select, peers down and tries to catch the details of the stalest of all tragedies as it is enacted below. They get little for their pains, for seeing is difficult and hearing perhaps worse.

“Mumble, mumble, mumble”—a be-wigged figure is addressing the Bench. His lordship interposes an indistinct word or two. The wig bobs and subsides. A large hat sails into prominence and appears momentarily to absorb a small book, the while some one sitting beneath the judge mutters something. Then some questions; but witnesses who speak low, wear veils, hold handkerchiefs to their mouths, and turn their faces to the judge are no good for the gallery.

“What did she say, Bill?” asks the gentleman, who nurses a battered hat.

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“Dunno ; couldn’t quite catch it,” replies Bill of the cloth cap. Ghouls !

Return, however, to the Strand, and approach by the main entrance. Go up one of the mean, twisted staircases that lead to the courts, follow the corridor that skirts the western side of the big, beautiful empty, useless hall. You will know the Divorce Court by the two officials who stand there always, to control admittance and repel curiosity ; also by the row of nondescript women who sit whimpering, whispering, and giggling on the oak bench opposite to the doors. From time to time one of these is summoned inside, to return later, red with shame, hot with rage, or stained with tears, according to her experiences at the hands of the law.

Enter the court and here, before you, is played monotonously, perennially, drearily, the oldest of age-old tragedies : the Man and the two Women, or the Woman and the two Men. It is the same theme with endless fugal variations. And the piteous thing is the habit of the court to disregard the variations and get back to the theme.

DIVORCE COURT IMPRESSIONS

Those four, square, grey walls, and the grey judge with his steady eye ; and the two rows of grey barristers, telling the tale so that the roses of romance wither and the garland becomes a stripped thing of wire and tinsel, and the glamour of it all is dead. And that witness-box ! It is a lonely promontory a million miles from lover or friend, from help or kindness ; a pillory where a woman must stand with a white light on her brow while deadly questions and insinuations wing themselves towards her.

Poor madam ! Here under so many eyes, amid the pitiless questions, and to the scratching of the quill pens, she must learn how narrow is the issue, how futile the little structure of excuses and justification that seemed so serviceable in boudoir or drawing-room. All that was so relevant proves to be irrelevant here. The tones, the looks, the circumstances that accounted for everything, are here accounted as nothing. He was cold and neglectful ; the Other cheered her loneliness. He did not understand her ; the Other read her very

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thoughts. He absorbed himself in affairs ; she needed life and gaiety, music and flowers. There were opportunities—some by chance, some sought. But to all this the ears of the court are deaf.

“ Did you, madam, on a certain day——?”

Ah! there is silence. The quill pens scratch. She has left the box. She is alone—outcast.

There must always be tragedy about a divorce suit, for the court does not exist for the purpose of releasing people who have grown tired of one another. Indeed, that is putting it mildly, for upon the first sign of anything like friendly arrangements or acquiescence, a petition will be dismissed. By far the greater number of cases that come before the court are undefended. Be not misled by the ease and rapidity, the formality and seeming carelessness with which these are disposed of. You will have observed that the result of them is called a “ decree nisi,” and that a second application six months later is needed before it becomes “ absolute.” Dur-

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ing the interval, certain officials, who cannot possibly be called easy or formal or careless, may make inquiries on their own account. At the expiration of the six months you will sometimes learn that the decree has been rescinded and somebody ordered to pay the costs of the official in question. That is because it has been found that the petitioner himself—or herself—has not come to the court “with clean hands,” or else because the King’s Proctor has unearthed evidence of an arrangement which, however desirable in the eyes of the family circle concerned, the law, in its wisdom, regards as being against public policy.

The parties to a divorce suit are not compellable witnesses, which is perhaps wise, as it is certainly merciful. But, nevertheless, they usually find themselves in the witness-box, though with a reluctance which suggests compulsion. And there is no class of case where the binding nature of the oath comes into such dire conflict with honour and with self-interest. It must be admitted that there is a conventional standard in these matters which seems

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almost to enjoin perjury. "The brand of the Dog is on him by whom is the secret revealed." Consider the Other—the *tertium quid*. He cuts no very creditable figure and is not entitled to much sympathy. But he may hold some code of honour in these matters. He has just seen Her in the witness-box calling Heaven to witness that she is innocent. Now it is his turn. His name is called; he kisses the book; he must speak, but it is difficult to blame him if, in doing so, he risks something for the rule which Mr. Kipling has embodied in two lines:

"If there be trouble to Herward, and a lie
of the blackest can clear,
Lie while thy lips can move or a man is
alive to hear!"

There are instincts and currents of emotion which make the conduct of this court and the supervision of testimony given in it fundamentally different from that which obtains in other courts of law.

The Willoughbys' Lawsuit

"WELL, dear, what did Montague Smart say ? "

Mr. Willoughby had collected the balls, and was brushing the cloth. He dug viciously at the left-hand top pocket, where some cigarette ash was making a reluctant exit, and then answered his wife without looking at her.

"Didn't seem to want to talk about the wretched thing. I wish people wouldn't smoke cigarettes when they are playing billiards," he added irrelevantly.

Mrs. Willoughby sighed. She was an intelligent woman and prided herself on being of assistance to her husband beyond the range of mere domestic matters. It was her idea that Mr. Smart, Willoughby's erstwhile school-friend and now his solicitor, would talk more freely about the motor lawsuit over an informal little dinner, and it was disheartening to gather from her

THE LIGHT SIDE OF THE LAW

husband's manner that asparagus, sweet-breads, two ducklings, and a pineapple had, in a manner of speaking, been wasted.

Mrs. Smart was a woman one could not possibly ask to dinner, and it had seemed so providential that she had taken the baby to the seaside, and so enabled Mr. Willoughby to ask his old schoolfellow to dine informally with them. Mr. Smart had arrived in quite remarkable spirits, and enjoyed the dinner immensely. He had talked golf steadily, and every time his hostess led the conversation in the direction of law courts and collisions with omnibuses, he lofted skilfully over the subject as if it were a sort of bunker. When she left them for coffee, all Mrs. Willoughby had got out of him was an assurance that the action was receiving his conscientious attention and most consumedly occupied his time.

Now he had gone, and, by the way Mr. Willoughby was setting the billiard room to rights, it was obvious to her that the solicitor had infused neither ease nor fresh valour into his client's mind.

THE WILLOUGHBYS' LAWSUIT

"Anything fresh about the case?" repeated Mr. Willoughby, irritably. "Listen to this: 'How were your hands and each of them occupied when you allege the collision took place? Which of the defendant's servants do you allege negligently and unskilfully conducted himself or themselves in the discharge of his or their duty or duties? Did you at any and what time call out any and what advice, directions, or orders? If yea, state precisely what you said.'"

"What on earth are you reading?" said his wife.

"That's what they call an 'interrogatory.' Thirteen of them—all to be answered by me and sworn to. Then when the case is heard and I'm in the box, cut off from my solicitor, Mr. Wheedler, K.C., after twisting things about, will produce those answers and floor me."

"But we've got Mr. Wheedler on our side, my dear. You told Mr. Smart to—what is it?—'retain' him at the very beginning."

"No good," replied Mr. Willoughby,

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“ Wheedler has a general retainer from the bus company. Fights a case for them about once a fortnight all the year through. Knows all the ropes, and could defend lawsuits about collisions with his eyes shut and his hands tied behind him, if he wanted to—so Smart tells me *now*. I shall be like a bit of chewed string by the time he’s done with me.”

Willoughby threw himself despondingly upon the sofa.

“ But Mr. Smart advised the action, Jack.”

“ Oh, yes,” groaned the prostrate one ; “ the thing seemed so clear at the start. We on our right side, proceeding slowly, sounding the horn. Plenty of witnesses. ‘ Issue a writ,’ said Smart, ‘ and put in a strong statement of claim. They are sure to pay something into court with the defence. Then we can reconsider the position.’ That’s where he made the mistake. In comes a defence, denying liability, alleging negligence, and setting up a counter-claim about damage to the horses. I wish we’d never begun it.”

THE WILLOUGHBYS' LAWSUIT

"But, Jack, think of our witnesses. Alphonse is quite clear how it happened; and you know you wrote it all out as soon as we got home, and made him sign it."

"Smart doesn't seem to set much store by Alphonse," replied Willoughby. "He says a man with a foreign accent, who stammers and perspires so when not in the open air, won't go down with a jury. Besides, nobody believes a chauffeur. An owner always sends the chauffeur to the police-court with the full fine in his pocket and instructions to perjure himself. Result: chauffeurs, as a class, are discredited witnesses."

"But there are those other witnesses—the policeman and that nice bill-posting man, who gave you his name and address, and said he saw it all, and got you to give him half a crown."

"What the policeman has to say isn't evidence. You may remember he arrived five minutes after the accident and when the crowd had collected. All he did was to take names and addresses, and make about five thousand people pass along,

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please.' Anybody can get a copy of the police report for about a shilling, and if it hadn't been for that policeman the omnibus company would have had no witnesses. The collision sent the conductor on his nose in the mud, the driver had his hands full with the horses, and the two 'outsides' both gave false addresses."

"But, dear, the bill-poster?"

Mr. Willoughby laughed bitterly.

"He's been got at. He's a suborner. Seems to have remembered that his wife's brother worked in the stables of the bus company. Says he's deaf and no judge of speed, but noticed the gentleman's car took the corner very sharp. The fellow showed Smart—in strict confidence between gentlemen—a typed copy of the signed proof the company's solicitors had got out of him. It was most detailed. My half-crown was mentioned in it. He added that he was thinking of going over and making a fresh start in Canada, if he could get friends to help him. I told Smart I wished he had kicked the fellow."

Mrs. Willoughby sighed, and for the

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moment sat silent. Before her simple, loyal mind was a sudden vista of a world scarred and crossed with complicated interests and motives outside her experience. Then she turned to her husband.

"Well, Jack, anyway there's my evidence. I was sitting by you when it happened and saw everything except just for the moment of the collision, when, of course, I shut my eyes and screamed. Every little detail is stamped on my mind."

Mr. Willoughby sat up and regarded his wife with a look of mingled affection and distrust :

"Smart says——"

"Oh, don't tell me what Mr. Smart says. I'm tired of his name."

"Smart says women make bad witnesses, because they are so positive about details and then in cross-examination they get crumpled up. What made you put that in your statement about the whites of the horse's eyes ?"

"Because I noticed it and thought it looked a young, frightened horse likely to shy ; and, anyway, to remember a little

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detail like that shows how careful and reliable my recollection of the event is."

"Would you be surprised to learn," said Mr. Willoughby, quoting better than he knew, "that bus horses *always* have blinkers—*never* go out without them. I checked the truth of that by standing ten minutes by the Elephant and Castle this morning. The Planet Omnibus Company's horses have the company's monogram on each blinker."

"Really!" said Mrs. Willoughby, "well, I must have confused—oh, I know! I was thinking of the officer's chestnut that was so restless when the band played at the trooping of the colours."

Mr. Willoughby made a noise which may have been tobacco smoke going the wrong way. Then he arose and switched off the electric light.

"I think," said he "we have discussed it enough for to-night."

* * * * *

Mr. Montague Smart walked easily in the direction of his house. The moon shed soft light on his path, the scent of

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new-mown hay added sweetness to the cool, night air, and the "jug-jug" of a nightingale came from the woods over Caterham way. He was smoking one of his host's cigars, and enjoyed that feeling of content which follows dinner and a victory at billiards at the end of a hard day's work.

"Good old Willoughby," he soliloquised. "Wrong sort to go to law. Starts lightly enough, but sweats on the course. I think, however, I have got him into a 'settling' mood."

A Soliloquy

Judex loquitur :

Rude and uncertain though they be, yet I detect in the permutations of mankind, in the ebb and flux of affairs, some underlying soundness of principle, some orderly sequence, some sense of fitness, as it were, in what the unthinking may deem the fortuitous concourse of judicial atoms.

For am I not a Lord Justice—a judge of other judges ?

The triumvirate enter. I take my seat on the left. On the right is that other Lord Justice who, but yesterday, assumed graceless predominance in overruling *me*. To-day a right of delivering judgment first is all that remains to him of a superiority which must have struck others, as well as myself, with a sense of incongruity. In the centre lingers senility—"my brother," whom so often I have addressed

A SOLILOQUY

as "my lord" in the days when the reputation on which he leans and the learning which he has lost were the terror of the junior Bar. It is my duty, as I conceive it, deftly to restore sequence to argument and prevent those frantic plungings towards the irrelevant to which he is prone. He is the middle stump of the court, and the bowling of counsel must needs be directed at him. Yet I am to be reckoned with also; I have made myself felt.

Why am I here? Modesty forbids reference to the judgments wherewith I have enriched the volumes of the Reports. Am I exalted for my grasp of commercial law, or for my ability to understand models of patent machinery, or for my successes in following the Equity amid the trackless profundities of real property law? I know not; but the desirability of strengthening the Court of Appeal in all and every of those respects has been the subject of mournful comment in select circles. I do not forget that promotion has before now been traced, perhaps libelously, to physical infirmities reacting

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upon spleen and rendering judges of first instance intolerable to the Bar. The company of other judges is inimical to display of irritation and temper in their worst forms. Promotion has also been found to be a method of inducing a retirement which otherwise appeared beyond hope. I mention these things lest I appear to have ignored such possibilities; I do not believe such sorry things have resulted in my promotion.

It is a rarefied atmosphere that I breathe. No longer does the perspiring litigant, with his venal witnesses, vex me with conflicting tales. No longer do I wrestle with thick-headed jurymen, or expound the beauties of Common Law to dull pates. I "accept the findings" of fact, and tread delicately amid the legal principles which they involve. The appellant in person—transient and embarrassed phantom—I know. Rare he is, but would that he were rarer. He rises from the well of the court, clutching his thumbbed and hopeless bundle of irrelevant papers. My brother—the middle stump—treats

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his incoherences with an austere patience.

“Have you a note of the evidence? No? Or of the judgment? No? Well! I cannot believe that the learned judge had taken a dislike to you personally—or that he refused to hear your evidence, or that he conspired against you with the plaintiff—you must not say such things. Your documents stolen? Then you should communicate with the police. Your sister can give rebutting evidence? Then you should have called her in the court below. Your appeal is dismissed. I say it is dismissed. I cannot hear you further.”

The appellant has raised his voice, and is gesticulating. The associate calls the next case. The two ushers close in warily; the projection of an inkpot is an unusual, but not an unprecedented, mode of exhibiting displeasure with a judicial finding. The appellant departs muttering; if feminine the sounds of protest are sometimes to be heard echoing from the corridors. It is a sad and undignified spectacle.

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One turns with relief to the next case, where a waterworks company appeals against a corporation in a matter affecting the right to lay mains ; plans, printed notes, eminent counsel, fine, confused law, and no hint or suggestion of blood or tears, whatever the upshot.

The wisdom of the Appeal Court. I have spoken lightly of it in other days. Are three heads really better than one ? Early arithmetical studies remind me that one multiplied by one, and again multiplied by one, yet gives for an answer but one. Do we really bring a three-brain power to bear ? I sometimes think not. Say it is a revenue case. My brother on the right is as a war-horse smelling the battle from afar, my lord of the centre will be silent in the apparent study of authorities, and my own reported judgment tells that "I agree, and have nothing to add." Yet there are times when we take strong and simultaneous views from the very start, and open upon counsel like three batteries. It is fine intellectual exercise for the Bar. There

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was a time when I thought the practice destructive of close reasoning and of the orderly presentment of a case, but that was when I was at the Bar and was not duly grateful for the mental stimulus conveyed by judicial sharpshooting.

What is the quality of our work ? Let me be modest. Wisdom is of the ancients. No appreciable addition has been made to it since the Book of Proverbs was written. Yet may our footmarks—dare you say hoof-prints ?—be traced in the pastures of law. I speak as a court. We can take a strong line. With remorseless logic we can construe an Act of Parliament, ravel out its weaved-up follies, strip it of sentiment, dissect and lay it bare from its unsound premises to its ridiculous conclusion. We control juries ; not of course directly, but on judicial reconsideration of their well-meant bungling.

“Gentlemen of the jury, are you agreed ? ” They are—or think they are. Their findings are recorded : they pass away. Plaintiff is jubilant, and drinks

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champagne with his solicitor ; defendant is downcast, and drinks his bitter beer alone. But stop ; there is a stay of execution, pending appeal. Defendant takes counsel and puts up funds for another round. Did the learned judge himself doubt whether in the heat of the fray justice had been done ? “ If I am wrong the Court of Appeal will put me right.” Many judges very properly think that ; some of them are weak enough to say it aloud.

So the embers are stirred in the Court of Appeal, and we deal with evidence we have not heard and witnesses we have never seen. “ Findings of fact ” we respect, but as for the rest—counsel for the appellant struggles with the conflict in his breast between respect for the learned judge in the court below and sorrow for his misrulings as to the admission and rejection of evidence, his misdirections to the jury, his summing up, and the consequent verdict against the weight of the evidence. We confer ; we whisper together ; we deliver judgment. There

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must be a new trial. The record is expunged. Let the parties begin again with what appetite for the contest may remain in them.

Are our minds attuned together? I will tell no secrets. Yet there are questions of expediency which govern our grouping. There is, for instance—but I think I will speak only of dead judges. There has been blandness which corrected the asperity and impetuosity of a brother judge; erudition and irritability from the Chancery side have been well crossed with broadmindedness and courtesy from the Common Law. There have been “strong” judges who needed colleagues to remind them that reported decisions should have weight, and that there is an even higher appellate jurisdiction in another place to correct forwardness in Lords Justices.

It is told of one honoured and departed judge that he purchased years of tranquil office by an unfailing acquiescence in the decisions of a strong-willed colleague.

There is a story whispered of two judges

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who, by marvellous industry, cloaked throughout an entire sittings the failing of a president who, with an outer aspect of wisdom, sat with blank mind and drew noughts and crosses on his blotting-pad.

Did I have to "find my legs" in the Appeal Court? Rude and foolish question. I have succeeded at the Bar; I have sat on the Bench. For the acquisition of sea-legs in the sense indicated there is no such training in the world. Yet I remember that I did, in fact, for some time deliver third and acquiescent judgments. Also, I remember the first time when, galled by defects in my lord's judgment, I began, "I agree, but for different reasons——" And there was an early dissenting judgment which encouraged an appellant to a futile, and doubtless expensive, appeal to the House of Lords.

I am a Lord Justice. I am content. Devoutly I recognise the guidance which prompted me at the right time to stifle political ambition. I am set upon a height and have a wide view. Far, far

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away I see County court judges—sour men who accept discontentedly the consolation prizes of the profession. They wander in the provinces, sit in sheds of courts, and have no Long Vacation. They deal with bum-bailiffs and money-lenders, with the hirers of washing machines, and with the distressful relations of workmen killed in their employment. I have sometimes to curb the exuberance of their decisions. I see, also, Chancery judges—lonely planets revolving in their own orbits. I see the Common Law judges—crimson comets leaving empty courts the while they trail in splendour through remote districts, sometimes wasting their quality on special commissions, and anon miring themselves over election petitions.

I am of a constellation—fixed and bright.

The Law and the Lady

THE lady paced the room like a splendid, angry lioness. The lawyer remained at the table, and, for a man seated in his own office, looked a trifle nervous.

“I’m simply boiling with rage,” said Miss Delicia. “I’ve never been so insulted in my life. And to think what I’ve done for that woman! Sent my friends to her; let her supply my costume for the ball-room scene in ‘Idle Tears’; got her name on to the programme at the Siddons Theatre all through the run. And now to be treated like this!”

“You haven’t yet told me what the trouble is,” observed Mr. Burge.

“It’s just this. I sent her the silk—which was a present from China—and supplied the lace. The making-up was to be £9 15s. I had to go five times before she got the sleeves right. Now she wants £11 5s., and won’t let me have the dress

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till it's paid, though she knows I must have it for the Botanical Fête this afternoon."

"Very extraordinary conduct. Can it be accounted for?"

"Just the creature's insolence—as I told her in my last letter."

"Oh! then there has been correspondence?"

"Goodness, yes. I sent her four notes yesterday. Mother was kept busy all day trotting from the flat to Bond Street and back, taking my letters and waiting for the answers."

"You'd better let me see——"

"Here they are—hers, of course; she's got mine."

"You didn't keep copies, I suppose?"

"Copies? Good gracious, no! What's the use of copies? I just scribbled them off as fast as I could tear, and underlined every word that I thought would be a flick on the raw—hurt her feelings, you know."

Mr. Burge read:—

"DEAR MADAM,—I am sorry I cannot see my way to reduce the amount of my bill. The embroidery was your own excellent idea after

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the dress was complete. Forgive me for reminding you that I do not as a rule make up materials supplied, and have done so in this case only to oblige an esteemed patron. The embroidery is charged you at cost price. I am sorry that you see fit to make such unfair remarks about our work."

"Oh! then there were some extras which——"

"Not at all. She suggested it to—you won't understand—to hide the marks of the unpicking."

"I see. Do I gather correctly that you——"

"Yes, of course I did. I told her just what I thought of her, and that I was letting my friends know it too. And I said she should whistle for her money."

"My dear young lady, defamatory statements are most——"

"I don't care. I won't be put upon. Mother says I always was high-spirited. You've got to be—in the theatrical profession. Sweetly smiles are all very well for the public, but it is elbows you want behind the scenes if you are to get on. Now,

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Mr. Burge, to come to the point, I want you to send the sheriff, or a bailiff or some one, at once and make her give up that dress—and I'll wait here for it."

Mr. Burge looked dismayed.

"I might write her a letter and——"

Miss Delicia broke in disdainfully.

"That's no good. I've said everything that is to be said in letters. I want you to *do* something."

"It is customary——"

The lady ceased her movements about the room, perched herself on a corner of the table, and threatened her adviser with her muff.

"You tiresome thing! Men are just like that. Lawyers like to sit in their stuffy offices all day just writing letters and charging their clients for them. Oh, why aren't women lawyers! If Miss Pankhurst were a solicitor she'd get that dress in no time, I know."

The drone of a motor-car outside interrupted them. There was the sound of a suddenly applied brake, and then a loud report.

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"That's Captain Carteret come before his time," said the lady, approaching the window. "I can always tell his car. He's a dashing driver, but I'm sure he isn't really skilful, or it wouldn't make those dreadful pistol shots every time he stops. I mustn't keep him waiting."

Miss Delicia produced a small and costly reticule, and counted forth £9 15s.

"There," she said ; "there's the money. She can have that when I've got the dress. But sooner than pay one penny more, you can tell her I will fight the case to the House of Lords, and even they won't be able to make me pay. Anyway, Mr. Burge, remember I must have the dress this afternoon. You're so clever, I know you will get it for me."

"Really, Miss Delicia, I——"

"Now, Mr. Burge, I haven't another minute to spare. Captain Carteret is such an impatient man. I've given you full instructions."

The lady gathered her muff, umbrella, and gloves.

"I'm coming to see you again shortly on

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equally important business, but I mustn't tell you about it now, as Captain Carteret has promised to keep it a secret till the end of the run."

Miss Delicia bestowed one of her post-card smiles on her legal adviser, and vanished. Mr. Burge looked bothered. Then he opened his sovereign-purse and slowly added a sovereign and a half-sovereign to the little pile of money lying on his desk. He rang a bell, and a clerk entered.

"There is £11 5s., Prout," he said. "Will you take it to Madame Coulisse. Say you've called to pay for Miss Delicia's dress and to take it away with you. Then leave the parcel at the flat in Capri Mansions."

"Perhaps it's just a wee bit cowardly," thought Mr. Burge, as the clerk disappeared. "And I hope it won't come to the ears of my beautiful client. I feel sure, however, it is the soundest course to pursue in the best interests of everybody—including myself."

Mr. Burge pulled a large bundle of papers before him, and became immersed in the sombre affairs of his profession.

Breach of Promise

THERE are agreements prepared and settled by solicitors, elaborately worded and grimly engrossed, which men enter into deliberately and after careful consideration. There are agreements made by merchants and traders in the way of their businesses—sober matters of everyday experience, evidenced by letter or memorandum or the old-fashioned “market penny.” And there is one agreement, occurring, as a rule, but once in a lifetime, which is entered into at a thoughtless age, in an impulsive moment, amid emotional surroundings—an agreement which on one side is often a matter, more or less, of surprise and unpreparedness, and on the other is brought to a point by music, moonlight, sequestered corners, and other stimulating influences and surroundings. These are all “contracts” in the eyes of the law, and alike punishable in the breach thereof.

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Look at it another way. There are contracts wherein the law exacts of the parties what it calls *uberrimæ fidei*—the very utmost candour and disclosure of material facts. If you desire to insure your life, and in response to the printed inquiries feel it unnecessary to mention what your grandfather really died of, your widow may hereafter find she has grounds of complaint against you as well as against the insurance company.

So with the great majority of contracts. Although there is the wholesome rule *caveat emptor*, which means that you need not point out the dry-rot in your house, or mention the capricious temper of the horse you are selling, there are rules which help the buyer towards getting what he wants. The bulk must be equal to the sample, for instance; and if goods are ordered for a specified purpose, there is an implied warranty that they are fit for that purpose.

The contract for marriage stands alone in being exempt from any conditions of this sort. No artifice or trap, scarcely any

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deception or misrepresentation, affords a defence to an action for breach of promise of marriage. It may weigh with the jury and reduce the damages, but it will not get you off.

“It was at a dance. I had had champagne. I was excited. We sat in the conservatory; there were violets in her hair. I was teaching her palmistry, when her mother came upon us.”

As an explanation, young man, that may be more than adequate, but as an excuse it will not avail you. So long as you are twenty-one—no matter how green and unsophisticated—it is a binding contract. If you care for poetry, you will find that Robert Browning has expressed better than I can what will probably be your views on the situation.

Take a more serious case.

“I find that she has fits, and that her father was for two years in a lunatic asylum.”

No matter. You have made a binding contract to enter into what looks like a very undesirable family circle.

BREACH OF PROMISE

Or try another plea.

"I am old and ailing and ill-tempered. I squint and am bandy-legged. I was infatuated into the belief that she loved me, and know now that it was my money she was after."

"It is legitimate to marry for money," the law will reply, and the fact that you are not loved will not enable you to wriggle out of your engagement.

There was once a man who pleaded that the excitement of matrimony might cause his death, and that the doctors had told her so.

"But the lady may have wished to be your widow," replied the judge, as he handed the question of damages over to the jury.

Upon the whole, we must be thankful that the law contents itself with awarding damages, and does not enforce specific performance of an agreement to marry.

Do not think from what is here written that any condemnation of the right to bring an action for breach of promise is intended. True, there have been judges

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who advocated the abolition of the right, and there are other nations who sneer at the English idea of measuring lacerated affections and expressing them in terms of cash. As a matter of fact, however, there is a very prosaic and pecuniary side to this romantic business of courtship. Engagements are usually more or less matters of impulse. It is not cynical to say that if there were more deliberation there would be fewer engagements. But, from the community's point of view, so long as people do get married, the actual pairing is a matter of indifference. "Sort yourselves afterwards," as the clergyman said at the plural wedding when the couples before the altar got mixed. This very impulsiveness is a useful element in the State's welfare, and it would not be right to allow it to be made an excuse for fickleness.

The man usually puts it very delicately when he breaks it off. "I find I have mistaken my feelings towards you"—" 'Tis wrong to bestow the hand where the heart can never be"—or words to a similar effect generally expressed in a letter the com-

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position of which suggests the burning of midnight oil and the assistance of a confidential male friend. And after that he thinks that a girl of any fine feeling should content herself with a Mariana-like attitude, and, at any rate, revolt from the idea of dragging the details of such a tender business into the brutal atmosphere of the law courts. Humph !

Just look at the prosaic aspect of the thing. Say the engagement began when the parties were twenty-five years of age, and is broken off at thirty. As things go in this unequal world, the man is then, from almost any point of view, more eligible than he was at the former age. The girl—well, to put it rather brutally, “the bloom is off the rye.” He has captured her virginal fancy and monopolised her best years. Once or twice a week for five years he has been to see her, driving off other men, burning the gas in the drawing-room, and consuming quantities of refreshments at her father’s expense. After all which there are people who think it should be sufficient for him to say, in effect :

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“ I have mistaken my sentiments towards you. Kindly return the ring, brooch, hat-pins, tea service, and the Shelley and Keats which I gave you. I shall always think of you as a lady who would have been glad to marry me.”

If a lady in these circumstances feels that pecuniary damages would be a consolation to her, surely she is entitled to have them. Withal, however, it is often a sorry business, and it seems a pity it cannot be adjusted upon finer, or more decorous, lines. There is a want of reticence about the practice—a tendency of everyone in court to import into the case a sort of ghastly humour. Even the plaintiff is usually willing to go further than is really necessary. The letters, for instance. Mariana, you remember—

“ rising, from her bosom drew
Old letters, breathing of her worth ”—

but one cannot imagine Mariana handing them to a smirking barrister to be read to a grinning jury, and subsequently to appear *in extenso* in the evening newspapers.

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Men hate writing letters—unless they can dictate them, and that is obviously impossible with love-letters. You may take it, therefore, madam, with your new-born and wholly natural suspicion of the other sex, that no matter how perfidious the wretch may have proved, he really meant it at the time. Those adjectival compositions, wherein fervent protestations and split infinitives are found in about equal proportions, expressed—pitifully enough—his genuine feelings. And it does not really help you to have them read in court.

Mr. Puckle's Client

"EDWARD PUCKLE, Solicitor."

The legend on the bright, new brass plate fell flatteringly on the eye of the owner of that name each time he passed into his freshly equipped office. Within, everything was as the most exacting client might expect to find it. Linoleum and squares of 'carpet; clerks' office partitioned off; a little glass square with the word "Enquiries," on which people could rap to attract the attention of the staff; the framed portrait of a dead and bygone Lord Chancellor; the illuminated almanacs of two insurance companies which had already appointed Mr. Puckle their agent; a modest, green safe in Mr. Puckle's room, imparting a sense of security and confidence; and a large copying press which, with its uncompromising red paint, its stout legs and iron clamps, gave an air of stability to the whole establishment.

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There was also the staff, consisting of a youth fresh from a Board-school, who had entered on his legal career with such ardour that, on the very first day, he had managed to bang his head right through a glass door, whence Mr. Puckle had extricated it gingerly, first folding back the ears and using, to aid its passage, a sort of sun-bonnet or gigantic shoe-horn improvised out of some thick blotting-paper.

Not lightly had Mr. Puckle rejected the salary offered by the solicitor to whom he had been articled, and decided to start practice for himself. There had been a nice weighing of prospects—an estimate of clients to be depended on and clients who were possibilities. Feminine influence had counted in his decision. His aunts enthusiastically elected him as their adviser ; but as their legal requirements were slight, and as they had already sucked dry his knowledge of the law appertaining to domestic servants and concerning garden depredations wrought by trespassing dogs, their support was felt by Mr. Puckle to be moral only.

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Miss Lavinia Poole, on hearing of the impending step, had declared her intention of appointing Teddy to be her executor and, indeed, the making of her will whereby, after dividing certain antique jewellery amongst her nieces, she left the residue of her estate to an anti-vivisection society, had given occupation to Mr. Puckle's first practising day.

Mr. Puckle senior had been slower to fall into line. When—finally yielding to wifely argument as to the absurdity of continuing to send business elsewhere with a full-blown solicitor in the family—he signed reluctantly the necessary letter addressed to Messrs. Wither & Blite, requesting the handing over of all documents to his son, he had associated himself with Mr. Haldane in hoping that neighbours would preserve friendly relations during the reorganisation of his forces.

So much for certainties. The “possibles” were grouped mainly around the Congregational chapel in whose manifold activities Mr. Puckle had for years taken an entirely creditable part. For instance, there was

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Mr. Blotton, who occupied a front pew in the side gallery, an earnest and regular attendant who, if a hymn-tune pleased him, contributed a rumbling sort of "tabernacle-bass" with an occasional cornercrake effect which was the delight of the ribald boys at the back. This Mr. Blotton, a green-grocer by trade, was ever to the fore, whether it was a question of selling tickets, erecting the platform for missionary meetings, or doing orderly duty at the Sunday-school excursion. His manner to Teddy Puckle was always friendly and respectful, and, in fact, it was a letter from him announcing his intention to call on a matter of business that the young solicitor had just opened.

Mr. Puckle had noticed that Mr. Blotton was dressed in black the previous Sunday, and decided to take his client out to lunch, when intelligence of a distressing nature could be imparted and discussed amidst the soothing influence of creature comforts.

Mr. Blotton arrived, was lost in admiration of the office, and readily fell in with the

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suggestion of an adjournment to a restaurant. A steak was his selection and, on being pressed, he named burgundy as a beverage which, on festive occasions, he found at once soothing and sustaining. Conversation proceeded affably.

“I don’t see why you shouldn’t make a name for yourself,” said Mr. Blotton. “Clever lawyers there are a-plenty. But they’re grasping — very grasping. There was an uncle of mine came into a bit of money, and was persuaded by a lawyer to make a will. Had to pay half-a-guinea for it, he had. I dessay you get plenty of folks coming to you.”

“Ye-es,” said Mr. Puckle. “Of course, it doesn’t always mean business. One will come and instruct me in the matter of selling his house, if I can find a purchaser at a price no one would think of giving. Another will offer to let me act for him if I can get him a frechold investment, paying ten per cent. in an improving neighbourhood. Then there’s the man who wants a mortgage to cover the price of his house and the stamp duty and costs as well. I’ve been

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appointed honorary solicitor to the Chapel Trust," he added.

"I got you that," said Mr. Blotton. "Me and the organist."

Mr. Blotton became reminiscent over cigars.

"I was a witness once," he said, "and hope it will never happen again. Saw a carriage run into by a tram down Croydon way, and was fool enough to stand gaping and let the conductor take my name and address. You'd be surprised at the questions I was asked—'How many yards away was the carriage when you heard the driver ring his bell?' 'Would you swear it wasn't fifteen yards?' 'Remember you are on your oath, sir.' 'Do you happen to know how far from the spot where the accident occurred is the saloon bar of the Blue Boar.' 'Do you frequent that house?' It isn't once in a thousand times he'd have been right with his next question, but it did happen that on that day I *had* been in with a friend. Then comes 'Laughter in Court.' 'Speak up,' says the judge. 'Kindly address your remarks to the jury,'

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says the counsel. ‘You may leave the box, sir.’ Gosh! It makes me hot now to think of it. In my opinion it is not the witness but counsel that ought to kiss the book and have the fear of God put into him before setting out to earn his fees in that fashion.”

His guest showed no signs of approaching business, so Mr. Puckle paid the bill—11s. 10d., with a shilling for the waiter—and suggested a return to the office.

The starving office-boy, who had been left to copy a blank form of mortgage in case a document of that description should be required in a hurry, was released for lunch, and Mr. Blotton, squaring his elbows on the table, proceeded to business.

“You’d have noticed I’ve had a funeral.”

“So I see,” said Mr. Puckle sympathetically.

“It was an aunt of mine. Lived with me for fifteen years. Paid seven shillings a week. A good Christian woman as ever was, but trying at times. Very free with her suggestions about meals and such-like. Close about her affairs, too. The

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wife was always curious and used to drop hints, but we never learnt anything. Well, it turns out to have been just an annuity. However, there was this"—Mr. Blotton tugged from his pocket a slim, brick-coloured book. "A matter of £2 15s. 0d. in the Post Office Savings Bank. The wife and I thought that perhaps, Mr. Puckle, you would tell us how to get it out."

Women as Advocates

It would be no new thing for a woman to plead in a court of law. Few things in this old world are new. As in music, so in life : we can only have fresh tunes played on the old notes.

Listen to this :—

“I humbly beg of your lordship not to harbour an ill opinion of me, because of those false reports that go about of me relating to my carriage towards the old king, that I was anyways consenting to the death of King Charles I ; for, my lord, that is as false as God is true ; my lord, I was not out of my chambers all the day in which that king was beheaded, and I believe I shed more tears for him than any woman then living did. Though I could not fight for him myself, my son did ; he was actually in arms on the king’s side in this business. I instructed him always in loyalty, and sent him

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thither ; it was I that bred him up for the king."

So pleaded Lady Alice Lisle, fighting for her life at the execrated Western Assize two hundred and thirty years ago, and you would go far to find a more forceful and pathetic utterance. It did not, however, avail her in her trial before the judge who bears the blackest name associated with the English Bench.

"Neither her age nor her sex are to move you," he exhorted the jury, and it was only by the intercession of "some divines" that she was beheaded, instead of being burned alive, in Winchester market-place, for the heinous crime of sheltering a hunted refugee.

It is difficult to realise what a short space of time separates this pitiful generation from the stern age when things like that could happen. They had, indeed, "a short way with dissenters" in those days. In Judge Jeffreys' time the prisoner was not allowed counsel, and poor Lady Lisle, perforce, made her own defence. But with that injustice removed, there are

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not wanting cases of women who have preferred to conduct their own litigation, and have done so, sometimes, with advantage to themselves.

For, without venturing unduly upon ground over which at the present time the heated air is quivering, it must be admitted that woman has in her armoury some weapons that man cannot wield with any success. Turn to "The Famous History of the Life of King Henry the Eighth"—one may refuse to regard as fiction anything that Shakespeare wrote—and hear a Queen conducting her own case in the divorce court :

" Sir, I am about to weep, but thinking that
We are a queen, or long have dreamed so,
certain
The daughter of a king, my drops of tears
I'll turn to sparks of fire."

Neither tears nor fieriness would assist a man, and any reference to the splendour of his ancestry would be ruled out as irrelevant—might, indeed, damage him with the jury. Yet one cannot deny a

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certain poignancy or effectiveness to that line of defence in the hands of a woman. A woman's tears are not "idle tears" when shed in a law court. There have not been wanting quite modern instances of that.

Consider, further, a more famous Shakespearian trial, and this time one in which a woman appears not for herself, but as an advocate in the strict sense. I apologise for the hackneyed reference, but in this context Portia is inevitable. If you will for a moment disperse from your mind the glamour of the narrative, it becomes clear that Portia succeeded by a quibble which, on the lips of a man, would scarcely have received patient hearing.

"Take thou thy pound of flesh,
But, in the cutting it, if thou dost shed
One drop of Christian blood, thy land
And goods are confiscate."

What of "ways of necessity"? What of "appurtenances"? What strange and desiccated substance would answer to

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Portia's idea of "flesh" in a law court where words are to be taken as of their "plain and natural meaning"? Had there been a jury, and had not a lady been addressing them, any tradesman upon it—say a butcher—must have been guilty of the indecorum of a laugh.

Do not say they did not *know* it was a lady. It is evident that feminine influence ruled the Court. It is most significant that, from the moment she opened, the court and judge are silenced and not a word is heard save from the fair advocate, the plaintiff, the defendant, and some of the defendant's friends who are allowed, unchecked, to interpose comments, gibes, and jokes. That the judge himself was completely under the influence of what must be called sex bias is not only obvious from his allowing Portia to pronounce sentence upon the plaintiff, but is clearly evidenced by his own stupendous breach of professional etiquette at the close of the trial:

"Sir, I entreat you home with me to dinner."

WOMEN AS ADVOCATES

The most promising junior never evoked so stunning an indiscretion from the Bench. Clearly, the Duke of Venice had penetrated Portia's disguise.

The Inns of Court, in whose hands the matter rests, have hitherto declined to call women to the English Bar. In this respect we are behind some other countries. In France the ladies have triumphed, and quite recently one or two have obtained considerable professional reputation. If the reports which have appeared in English papers can be relied upon, there are aspects of their success which evoke thoughtfulness. It is to be noted that the ladies' attire and personal appearance are the first object of careful report. Our own leading counsel—fortunately for most of them—are not so treated.

The ladies' most brilliant successes appear to have been achieved in connection with those "crimes of passion" which are not infrequent in Paris. What happens is, that, at the critical moment, the fair advocate bursts into tears; the

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prisoner weeps, the judge and jury weep, everybody weeps ; prominent officials fall on the neck of the released victim of brain-storm, or heat wave, or whatever the excuse may be ; the victorious lady dries her eyes, and gathers her papers, while counsel for the prosecution escapes as best he may amid the hoots and missiles of the crowd.

While, however, women cannot at present appear in our courts as advocates, they may and do appear on their own behalf, and there are not wanting instances where they have displayed aptitude and dexterity. The names of two ladies who have, in recent times, conducted spirited litigation extending over years will readily be recalled. One of them has displayed great power with a jury, the other capacity for grappling with technicalities of the law. The names of both ladies are immortalised in law reports in cases dealing with the rights of married women, and with the more subtle aspects of a solicitor's right to recover the amount of his bill.

It does not require much profundity

WOMEN AS ADVOCATES

to foresee that the Inns of Court are likely to experience difficulties in keeping their doors closed against lady advocates, and it therefore behoves the community to consider with care what reasons should move them in arriving at an opinion on the subject. The more thoughtful believers in women's suffrage base their support of the movement not upon a supposed advantage to women in being able to speak for themselves, but upon the general benefit to the community which would result from the addition of a fresh element to the electorate.

On similar lines it may be urged that if women are called to the Bar, it will not be to afford a career to exceptional and brilliant women, but so that there may be added a useful element in the cause of justice. The women advocates would doubtless be retained in particular cases, and with a particular end in view. It is difficult to avoid the conclusion that the client hesitating between a man and a woman advocate would, in the particular instance, decide upon the latter in the

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hope that her feminine personality would effect something in his or her favour not otherwise to be obtained.

It would seem to follow that other fresh elements would have to be added to the courts of justice to restore the equation. There is no place here for details. It must suffice to point out that if the plaintiff is represented by a woman in a case suited to her peculiar powers, the defendant would do well to be similarly represented, or else an equalising element must be imported into the jury box, or placed on the Bench.

If these remarks be true, a very wide vista is opened, and the problem of the law courts approximates very closely to the wide question which at the present moment is clamouring at the doors of St. Stephen's.

And here the writer, who is a man of peace, prefers to leave the subject.

A Way Out of It

THE doctor said it was uric acid, and recommended Harrogate. The girls said, apologetically, that father always seemed tired. The boys, not altogether respectfully, referred to the governor's liver, and made pretexts for stopping other fellows from dropping in at night for billiards. The vicar feared that "our good friend Bulstrode" was allowing his better nature to become choked with the deceitfulness of riches—and then mixed his metaphor and endangered his theory by a reference to tightened purse-strings. The question of Arthur Bulstrode going to Oxford remained in abeyance for month after month. Letty's twenty-first birthday passed, and Letty wept in secret because there had been no repetition of the ball which had celebrated the attainment by Mary of a like dignity, and because even mother had not ventured

THE LIGHT SIDE OF THE LAW

to remind Mr. Bulstrode of certain promises in the desired direction.

Mrs. Bulstrode reproved the children, devoted time to careful consideration of her husband's tastes in the matter of dinner, and wrote confidentially and appealingly to her married sister at Shrewsbury for any hints as to the proper treatment of a husband whose advancing years seemed likely to bring with them a moroseness, an angularity, and an uncertainty of temper that threatened the happiness of the household.

No doubt some change was taking place. Mr. Bulstrode was becoming a different man. His friends on the railway platform in the morning noticed it, and began to avoid him. "Morning, Bulstrode," they would say with a nod, and then pass on. They used to join him and make up a carriage for the journey from Surbiton to Waterloo. Even in his own house he carried with him an atmosphere of restraint. His appearance would mean a change of subject, usually preceded by an

A WAY OUT OF IT

awkward silence. The arrival of bills or applications for rates involved a gloomy evening for everyone, so that the elder Miss Bulstrode took to intercepting such cloud-compelling documents and reserving them for presentation on favourable occasions. The very dog—a most intelligent animal—would sneak out of the house on the arrival home of the master, and spend his time blinking contemplatively at Teddy's pet rabbits at the bottom of the garden.

At the office in Mincing Lane, similar phenomena—adapted, of course, to the altered surroundings—were to be observed. To “have your head snapped off by the guv'nor” became an experience from which not even old and trusted members of the staff were exempt. An office-boy who had the temerity to apply for a rise of salary came out of the principal's room with red face and burning ears, and was advised by his compeers to buy a dictionary and study the meaning of the word “tactless.” An older clerk, who made a similar application on the ground

THE LIGHT SIDE OF THE LAW

that he was going to get married, decided—as soon as he had recovered from the interview—to join the Socialists and became quite a convincing speaker on the subject of the discouragement to family life which the existing competitive order of things presents. One or two other clerks, who were so unfortunate as to be caught with nothing in particular to do, received that which in the pithy vernacular of the City is usually referred to as “the sack.”

Mr. Bulstrode's home became an unhappy one, Mr. Bulstrode's office became an unhappy one, and—though he said nothing to anyone and no one said anything to him—it became generally noticeable that Mr. Bulstrode himself was an unhappy man.

On the morning of the third of the month, Mr. Bulstrode bustled into his office some ten minutes late.

“Tell McGregor to bring me the letters,” he called out as he went into his room.

Mr. McGregor followed. He was a little, bent, old man. Forty years of Mincing

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Lane had not sufficed either to quench his Scottish accent or that sentiment of personal devotion to his employers which is not so much a bygone commercial instinct as a relic of the old feudal system still occasionally to be found in north-countrymen of McGregor's type. Mr. McGregor had served Mr. Bulstrode's father, and a certain fidelity to the house of Bulstrode and Son was the religion, the politics, and, in fine, the dominant motive of his life. He shuffled into his principal's room with a bundle of papers in his hand.

"What sort of post is it?" said Mr. Bulstrode, brusquely.

"A poor one," said Mr. McGregor. "Belfrages will not renew their bill; the Hwfa Quarry people have returned the bill we sent, and would like a cheque. Hilary and Perkins acknowledge our order for the cement and, on receipt of a remittance, will be pleased to execute the same. And there's a lawyer's letter about the account due to the Castle Tile Works."

"Any cheques in?" Mr. Bulstrode grunted.

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"No, sir," said McGregor; "but there's a letter from some accountants asking us to attend a meeting of the creditors of Lunt and Perrison."

"What?" shouted Mr. Bulstrode. "Show it to me."

He scanned the letter with frowning face.

"We hold their bills for over £300."

"£365, sir," replied McGregor. "The bank has them. They'll be back to-morrow."

Mr. Bulstrode passed his hand across his forehead and groaned.

"Did you get out those lists I asked you to make?" said he.

McGregor handed him two lists—one headed "Accounts due" and the other "Moneys receivable." Mr. Bulstrode scanned them thoughtfully, and then looked up.

"We're in a tight place, McGregor—a devil of a tight place."

"Yes," assented the clerk; "I was thinking, if I may make so bold, that if we could further reduce the staff and lower

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expenses, and if those who stayed on had their salaries lowered for a time—as I'm sure, sir, speaking for some, they'd be ready and willing to agree—and if you, sir, excusing me again, could manage to draw a bit less——”

“I've tried to do that, McGregor,” said Mr. Bulstrode, looking curiously at the worn, anxious face beside him; “but it's more difficult than you understand. Children growing up, social position which I'm bound to maintain, and so on—— What is it?” he broke off angrily to a clerk who entered the room.

“Miss Daisy, sir,” said the clerk.

“Eh, what?” said Mr. Bulstrode in an astonished voice. “I'll talk to you later, McGregor. I must see what this young lady wants. Tell her to come in.”

It has been explained that a certain constraint had grown up between Mr. Bulstrode and his family; but it ought, perhaps, to have been mentioned that that cloud had not in any way shadowed his youngest daughter. At some ages unhappy things mercifully pass us by. When

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you are barely sixteen, when you are home for the holidays from Eastbourne, when everyone has conspired from your birth to hide from you all roughness, all hardness, all knowledge of things evil and unkind, when you have grown like a wild rose sheltered by a south wall, and have acquired much of the colour and fragrance and delicacy of that same flower, you are slow to perceive shadows or to feel fear of anyone. And if, added to all that, you had on your new pink dress, a muslin summer hat, a belt with a silver filagree buckle, and your mother had allowed you to wear your turquoise necklet—why, then, you would walk into any sort of a father's office at a busy time with as much confidence as you would lie down in your own bed in your own little room at night.

Miss Daisy Bulstrode came cheerfully and breathlessly into her father's office, carrying a white, fluffy, nondescript doggie under her arm; and Mr. Bulstrode's face cleared and his heart melted at sight of her.

“Father, dear,” said the young lady,

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"do you know you went off this morning without giving me my allowance? Mother said I might come and remind you. I've ever so many things to get before I go back."

She sat down, composedly stroking the small dog which, under her protecting hand, yapped a hostile recognition at Mr. Bulstrode.

"I'm afraid I'm getting to be a very careless father, Daisy," he replied; "but you shall have it now." He felt in his pocket and looked at his change. "I haven't enough here. Will you and Fido keep each other out of mischief while I go and see Mr. McGregor."

He rose and went out of the room, closing the door after him.

"Just give me four sovereigns out of the petty cash, McGregor," said Mr. Bulstrode, stepping into the old clerk's room.

McGregor unlocked an old cash-box and fumbled about.

"There's just three pounds and a few pence here," he replied.

Mr. Bulstrode experienced one of those

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spasms of irritation which he had noticed were beginning to affect him.

"Surely we've more than that on the premises? Go and get it out of the stamp-box or somewhere."

The old clerk rose and went into another room out of Mr. Bulstrode's sight. He lugged from his pocket a worn, leathern purse, and extracted from it a sovereign.

"It's more than a sovereign we'll be wanting," he muttered to himself, "if the old house is to keep its doors open." Then he returned to his employer.

"We can get stamps later," he said ambiguously.

Mr. Bulstrode returned to his room with the required amount.

"There you are, young lady. I'll try and remember next time."

"That's not the only thing you forgot this morning," said Miss Daisy; "you forgot to kiss mother."

Mr. Bulstrode looked rather amazed.

"You've forgotten it several times lately. You oughtn't to, you know. Mother always remembers to brush your hat and

A WAY OUT OF IT

see you off. I don't think it's fair. Of course, it's important to catch the train. But mother is important, too."

It may have been the state of his nerves which happened to induce a certain receptivity, but the childish remonstrance struck deeper than Miss Daisy had any idea of.

"One forgets, Daisy," he rejoined, humbly; "but I think your mother understands."

"I don't know," responded the young lady. "I'm not at all sure she does. I shouldn't. I think it would be nice if you wrote a little letter for me to take, saying you are sorry."

"What?"

"Yes, now."

Miss Daisy was sitting on the table by her father, swinging a long leg, and enjoying herself immensely in the capacity of mentor and cajoler. Half-amused and half-humbled, Mr. Bulstrode took a sheet of paper and began:

"MY DEAR MILLICENT,——"

"Oh, *that* won't do," said Miss Daisy,

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reproachfully. "Mary says she remembers that, when she was little, you always said, 'Milly darling.' You'd better take another sheet of paper and begin again."

It occurred to Mr. Bulstrode that he would do well to follow his instructions with precision.

He took fresh paper and wrote :—

"MILLY DARLING,

"I am sorry that thoughts of business made me leave without kissing you this morning. You are more to me than any business. I will never forget again."

"Now make a row of crosses under your name," said Miss Daisy, "and put it in an envelope. Let me lick it up; I like the taste of the gum."

She placed the sovereigns and the letter in her purse, tucked her dog under her arm, and prepared to depart.

"Arthur's waiting outside," she volunteered as she went towards the door. "Mother will be glad to have that letter."

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"I think it is you who are forgetting something now," said Mr. Bulstrode.

Miss Daisy returned and raised her lips to her father.

"You must think kindly of your father, Daisy," said he. "I am getting old, and have many worries other people don't understand."

The door closed, and Mr. Bulstrode returned to the perusal of the list of "accounts due."

* * * *

An hour later Mr. Bulstrode went round and saw his bankers. The interview lasted ten minutes. He emerged with a face like a thundercloud and, hailing a cab, drove to his solicitors in Lincoln's Inn Fields. Mr. Appleby was engaged on the settlement of a draft will when Mr. Bulstrode was announced. He looked perplexed and, for a moment, hesitated. Mr. Bulstrode was an old client, and much lucrative business had come from him in the past. Lawyers, however, are as adept as most people in gathering from straws which way the wind blows. And

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several straws from the business of Bulstrode and Son had blown in Mr. Appleby's way lately.

"Show Mr. Bulstrode in," he said, after a pause.

"Good afternoon, my dear sir," he opened cordially, as his client strode in. "No more bad debts, I hope. I hear Lunt and Perrison are calling their creditors together. You're not in that, I hope?"

"Yes, I am—heavily," said Mr. Bulstrode, sitting down; "and I was relying on bills of theirs which are due to-morrow."

Mr. Appleby corrugated his forehead and whistled sympathetically.

"I'll come to the point," said his client. "I must raise some money to tide things over."

"Why not go to the bank?" replied the lawyer.

Mr. Bulstrode laughed bitterly.

"Banks! Fair-weather friends, I call them. Always ready to back you up when you are going ahead, and the first to close on you when things go wrong."

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“Things go wrong!” echoed Mr. Appleby. “I hope that’s putting it too strongly.”

“I don’t know,” answered Mr. Bulstrode; “the trade’s altering, and perhaps I’m getting too old to learn new tricks. I don’t understand cut prices and commissions, and I won’t ‘stand in.’ Why, up to two years ago I never even discounted a bill, and Bulstrodes used to pay cash for everything. Do you know some lawyers named Pherrett and Strike?”

“Yes. Why?”

“Only that they have written me about an overdue account.”

Mr. Appleby raised an eyebrow and looked confidentially at a corner of the ceiling. His client returned to the point.

“What about raising some money? I must have it.”

“Well, old friend,” said the solicitor, “I’ve told you before. We of the profession aren’t money-lenders. What’s to be the security?”

“My house at Surbiton.”

“Already mortgaged to the insurance

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company, and I've lent you £300 on it behind them. I thought you had some India stock; why not sell that?"

"I did so, three months ago; and put it into some South American things on the principle of double or quits, I suppose. And it came out quits."

"There's your life policy."

"That's been my wife's property for the last twelve years."

"You could raise money on it with her assent, and possibly, with a couple of sureties, I could——"

"No," broke in Mr. Bulstrode, "that's the only provision there would be for her if anything happened to me. I won't throw that to the wolves."

"Then I don't know what to suggest," replied Mr. Appleby. "Don't you think, perhaps, that to call your own creditors together—your name's good, times are bad—I should think you would find them well disposed," he added tentatively.

"I couldn't. I'm a proud man. I've held my head high. There are my sons and daughters. You give me cold com-

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fort, Appleby," said Mr. Bulstrode, almost appealingly.

Mr. Appleby rose to shake hands as his client walked towards the door.

"We lawyers," said he, "are like the doctors: we often have to tell unpalatable truths and to give unwelcome advice."

Mr. Bulstrode walked from the Fields into Carey Street, and thence down Chancery Lane. At the corner he went for a few minutes into Attenborough's. Then, walking down Fleet Street, he was attracted by the blue, crimson, and yellow of a chemist's shop, and, after a moment's hesitation, he went in there also and made a few trifling purchases. A cab took him back to Mincing Lane. On the stairs leading to his office he brushed aside a seedily attired man who endeavoured to speak to him. He entered his room and busied himself with the papers accumulated on his desk. The sound of a slight altercation in the clerks' office outside disturbed him. He looked up as a clerk entered.

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“ A person, sir, wishing to speak to you.”

“ What’s his business ? ”

“ Can’t say, sir ”—the clerk looked confused—“ but he says he must see you personally. Been hanging about all the afternoon.”

“ Tell Mr. McGregor to come here.”

The old clerk came in, closing the door behind him.

“ Who is this person outside, McGregor ? ”

“ I’m afraid, sir, he is here to serve you with a writ of summons.”

“ A writ ! Who for ? ”

“ Kensley and Carter.”

“ But we sent them a cheque.”

“ Cheque’s been dishonoured, sir. The head cashier from the bank told me at lunch they’d had to do it.”

Mr. Bulstrode’s face aged and whitened.

“ Tell him he shall come in here in a minute or two, McGregor.”

“ Can I do anything, sir ? ” There was a suspicion of tears in the old man’s voice, and he looked appealingly at his employer.

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“No,” said Mr. Bulstrode; “nobody can help me”—he looked at his clerk, and hesitated—“you’ve been a faithful friend. I’d like——” He stopped and held out his hand.

The door closed behind McGregor. Mr. Bulstrode opened his safe, took out his life policy, and carefully read through the conditions. Outside, in the clerks’ office, the seedy person whom he had encountered on the staircase paced up and down, muttering discontentedly.

“This is beyond a joke,” he said. “I was told to be civil to the gentleman and to avoid unpleasantness as far as possible. But to be left ’anging about all day, and brushed aside like dirt by his ’igh and mightiness. And now to be told he’ll see me in a few minutes. Look ’ere,” he said in a louder tone, “I believe he’s up to some game. Off through another door as like as not. I’m going in.”

He strode up to Mr. Bulstrode’s door, flung it open, and entered. McGregor came running out of his room. There was a noise—half shout, half scream—as

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the process-server backed out of the room again.

“I’m too late : you’d best get a doctor.”

McGregor pushed past and dropped on his knees beside the huddled thing on the floor.

“Oh, my master ; you needn’t have done this ; it needn’t have come to this.”

But Mr. Bulstrode had thought otherwise. He had preferred to meet his God rather than to meet his creditors.

Making Your Will

It is curious that in this country you are more free to dispose of your property after you are dead than during your lifetime. It was not always so. There was a time in this country when—as with the Romans and as it still is in France and some other countries—a man had to make certain provisions for his near relations before indulging his preferences and eccentricities.

You can dispose of your property by will as you like. There are no limitations. During your life your wife and children have definite and easily enforced rights of maintenance against you. By disagreeable police-court processes you can be made to support your parents, and even your grandparents and grandchildren. But in your will you may roam fancy free. You may leave all to your son and disinherit your daughters, or *vice versa*. A man

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may provide for his mistress and leave his wife penniless. You may endow a guild or a hospital or a dog's home, and disregard the natural expectations of your relatives. In a word, the law concerns itself only with the formalities of execution and cares nothing as to the contents of a will. Even the restrictions upon gifts to what are popularly known as "superstitious uses"—a relic of the days when your comfort and surroundings in the next world were thought to depend very much on what you did for the Church in your testamentary dispositions—disappeared a few years ago.

Of course, a will can be upset on the ground that the testator was of unsound mind at the time of making it; and you might think that dispositions which disregard natural obligations and shock the conscience would be evidence of insanity. Lawyers will tell you, however, that this form of attack is not so simple as it sounds. It is not enough to prove eccentricities, unreasonable likes and dislikes, and delusions. The judge will want to be satis-

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fied that they went so far that the testator did not really know what he was doing—had not “a disposing mind,” in fact. He might have made a better will, the court agrees; the judge could make a better will for the dead man; so could the jury; counsel, even, for the conflicting parties could draw up a juster will and endorse it on their briefs. None of that matters. The man had a right to do what he liked with his own. The court is not satisfied that he did not know what he was doing. So the hospital gets its new wing, or the town where he was born gets its art gallery, while his wife goes back to her mother, his daughters become governesses, and his sons go to strengthen the British Empire in the colonies. That is, of course, an extreme case, but it may happen any day

Delusions themselves are by no means a simple subject. What is a delusion? One forbears from quoting Hamlet. The delusion of one age is the truism of the next. In the present day great latitude is conceded in the realms of thought and

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belief. Bunyan and Blake, Coleridge, Swedenborg, and Schopenhauer were all, at times, regarded as mad by their contemporaries. Their successors to-day in matters of religion, poetry, and speculation indulge in extravagancies and heterodoxies far greater without fear of comment as to their state of mind.

Not many years ago a lady left a large fortune for division amongst various philanthropic bodies, to the detriment of nephews and nieces who had built up confident expectations with regard to the same. She had enjoyed for years a deference, a family influence—had been the recipient of dutiful attentions, on the strength of what she might be expected to do with her fortune. In attacking the will on the score of delusions, it was alleged that for years the deceased lady had regulated her day's doings by mystic signs discovered in the tea-leaves at the bottom of her cup; that a large white rabbit installed in the drawing-room was supposed by her to embody the soul of her father, and that she was in the habit

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of repairing at sunset to a pond and doing obeisance to the frogs. In justification of these practices the supporters of the will were able to instance existing creeds with hierarchy and temples complete, flanked with believers and buttressed by endowments.

The habits of the deceased lady seem startling at first, but there was nothing new about them. The Chaldeans would have understood the omens, and the Egyptians the frogs. Pythagoras would have appreciated the white rabbit. There was a time when we burned papists and ignored heathen beliefs. But to-day you do not disenfranchise a man for believing in transubstantiation, and you cannot send him to a lunatic asylum for believing in the transmigration of souls. The boundaries of belief have been obscured; creeds are often regarded as local prejudices, and the courts of law are not dogmatic.

So the power of making a will is to-day in this country perhaps more unfettered than ever it has been, and it is matter for satisfaction that, upon the whole, it is wisely and conscientiously exercised.

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How often does a man make his will ? Lawyers say that the average careful man makes it three times : first after he has married, then when he realises that his family is growing up, and lastly when he feels that his end is drawing near. The middle will is usually the wisest, the other two having the defects characteristic of the ages at which they are made. The honeymoon will is a provision for what then seems a remote contingency, and it is made at a time when affection rather than judgment is uppermost. The senile will overreaches itself in detail, and is apt to display features of distrust which detract from the benefits intended.

A woman approaches the question of will-making from a standpoint different from that of a man. If she can once overcome her dislike to making a will at all—many of them regarding it as a sort of written consent to an early demise (“ signing her death warrant ” she will call it)—she may come to regard will-making as a kind of periodical amusement. It will become a sort of diary of her likes and

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dislikes—a record of the progress and decline of her affections. By codicils, of course. A will blots out the preceding one, but a codicil modifies a will and is read with it. It is not sufficient that Ethel shall have the Russian sables; it is desirable to leave on record that up to a certain time they stood to the credit of Dora, and the date of the alteration may suggest both to Ethel and Dora incidents which she feels it would be good for them to reflect upon. It must be a grievance to some people that they cannot be present at the reading of their own wills—that they might point the moral, so to speak. A little reflection as to the circumstances in which testamentary dispositions will be made public ought to convince people of the mischief of vacillating codicils. If you wish to revoke a legacy, make a fresh will and burn the old one.

It may not be inappropriate to conclude with a word of advice. The State makes a will for the man or woman who dies intestate. In other words, his property is divided at once and finally among

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his nearest relations. Take the hint. There is a natural desire to play the part of a providence after one is dead—to continue to control one's possessions. But the desire is a futile one. "We brought nothing into this world, and it is certain we can carry nothing out." The "dead hand" regulating the succession, tying up the property, seeking to control its expenditure, often blocks the way and keeps lawyers busy. You wish to protect your children against their own indiscretions, and it is very natural. But is it not almost presumptuous to suppose you can foresee the state of affairs twenty years after you are dead. You must trust *someone*—either the State, or your trustees, or your own children. The law permits you, at your death, to tie up your capital during any lives then in being and for twenty-one years after. Practically, this means that the distribution must take place either to your children or to your grandchildren. Which ought you to trust—the children you have trained, or the grandchildren you have not trained?

A Secret Trust

THE burr of the carriage wheels was suddenly deadened as the brougham turned into Wilmington Crescent and found itself running upon tan. It stopped, and Mr. Morris went quietly up the steps of the second house. There was a bulletin on the door, at which he glanced. The knocker had been removed and the bell disconnected, but the door had been left ajar, and he stepped in. A girl with a white face and swollen eyes crossed the hall to him.

“Thank you so much for coming at once. I have left foolscap paper and things in the morning-room. The children are in the dining-room. Father’s room is the first one at the top of the stairs. The doctor and one of the nurses are with him. Please go straight up. I must go back to mother.”

The solicitor went up and tapped lightly

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at the door indicated. It was opened immediately by the doctor, who, signalling silence, stepped out, closing the door after him. Mr. Morris made a mute inquiry with his eyebrows.

"He's going," said the doctor. "Going fast. Been worrying for you, though. In fact, he has been making me do your work."

He looked at the solicitor with a puzzled, searching glance, and handed him a paper.

"This is a codicil to the will of me the undersigned, John Ebenezer Pemberton. I give and bequeath the sum of £1,000 to my old friend and esteemed legal adviser, John Morris, of Bedford Row. Signed by the said John Ebenezer Pemberton in the presence of Lennox Gordon, 42, Wimpole Street, W., M.D., Hilda Smallpage, London Hospital, spinster."

"That all right?" said the doctor again, with an inquiring glance.

"I don't understand. This is absurd. Is he *compos mentis*?" Mr. Morris felt confused and perturbed.

"Quite. Temperature dropped at three o'clock this morning. If you want evidence

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in support, mine will be quite definite." The doctor laughed softly, and not very pleasantly. "But you'd better come in. He is worrying about you, and there's no time to lose."

The sick man lay propped up with pillows, shaded from the light, and he watched the door. A fortnight's fever had changed him almost beyond recognition. He moved as they entered, and whispered :

"Give me something."

The nurse looked at the doctor, who nodded. She moved, poured from a bottle into a glass, and gave the liquid to the patient. A sharp scent stung the nostrils of the watchers. The stimulant wrought. The eye of the sick man showed clear, and his voice came :

"You've seen the codicil, Morris ?"

"My dear old friend——" began the lawyer, but he was interrupted.

"You have satisfied him, doctor, that I know what I am doing ?"

The doctor began a consolatory and soothing assurance, but his patient broke in petulantly.

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"Yes, I know all that. Dying men don't get much truth spoken to them. I want something specific. What are the tests?"

The doctor looked at the chart on the wall.

"That will speak," said he.

"What else?" said the sick man.

The doctor considered, then said:

"Repeat the effect of this document, and nurse shall make a note of what you say."

"That paper is a codicil bequeathing £1,000 to my solicitor here as a recognition of faithful friendship and professional assistance during a lifetime.

"Now," added the sick man, "I must speak to Morris. Please leave us together for a minute or two."

The doctor looked, then beckoned the nurse and left the room. The man's eyes followed the closing of the door.

"Come closer," he whispered eagerly. "It may be their duty to listen. Old friend, you must help me. That money is not for you. I have something to tell you—something to own up to."

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Mr. Morris leaned over the bed. It is not an easy thing, even at the end of things, to tell of an old sin or to uncover a long-guarded secret. But the spent man misered the minutes as the merciless clock ticked them. Twice the lawyer nodded, saying no word, and once he grasped the man's hand.

"I knew you would help me. Write down the address—23, Montpelier Street. She has a little of her own, thank God—enough to keep her. But the little chap——" For a moment the dying man's face worked. "Give him a good education; see that he gets a start in life. And never tell—it's no good."

He sank on the pillows. Morris walked to the door and beckoned the doctor.

"You had better go downstairs," said the latter, after a glance at the bed. "Would you mind telling Miss Pemberton that I think her mother ought to come up at once?"

* * * * *

Some six weeks later Mrs. Pemberton, after a somewhat constrained interview

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with her late husband's solicitor, consulted Messrs. Pherrett and Stoup. Her brother suggested it, and Mr. Morris readily agreed that independent advice was desirable.

These gentlemen expressed a very proper astonishment at Mrs. Pemberton's story. They wrote to Mr. Morris and also saw him. Furthermore, they had an interview with Chancery counsel of repute. Finally, they wrote Mrs. Pemberton :—

“In accordance with your instructions, we have waited upon Mr. Morris, and have also seen the doctor and the nurse who attested the codicil. The circumstances in which it was made, when examined, appear to us to negative any question of undue influence. Without presuming to comment upon the propriety or otherwise of a formal claim to the legacy having been preferred, we must advise that, in our opinion, there are no grounds upon which, subject to payment of the duty, that claim can be successfully resisted.”

“You know, Stoup,” said Mr. Pherrett, “I hate giving a discouraging opinion like that to a new client—especially when it's a

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lady. But it's no good starting off on a wrong tack. Worst of it is, I don't feel that we've got to the bottom of the business. Why has Morris claimed the money ? A man with his practice doesn't need a thousand pounds. And, professionally speaking, I should say it will do him more harm than good."

Black Sheep

WHEN a man is constantly taking his own temperature, feeling his own pulse, or looking at his tongue in a glass, it is not a matter of expert diagnosis to pronounce that there is something wrong with him. If medical overhauling finds him sound in wind and limb, the inference is that there is something amiss with his nervous system, or his mode of living, or his surroundings.

The fact that at most meetings in recent years of the Law Society there has arisen, with acuteness, the question of the defaulting solicitor and of the general discredit resulting at intervals from the black sheep of the profession, is sure indication that there is something wrong. When statistics and averages demonstrate—as they do—that defaults on the part of solicitors are no more frequent than shortcomings in any other trade or business, the above simile

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suggests that the disturbing element may perhaps be found in the circumstances and conditions in which the business of the solicitor is carried on. In other words, an average body of men may perhaps be subjected to unusual opportunities and temptations.

If this possibility be worth consideration, it is desirable to study the suggestions of the solicitors themselves, and to see if they are likely to meet the case: Please remember that solicitors are recruited over a wide area of society, but mainly from that middle class which provides bankers, stockbrokers, merchants, manufacturers, doctors, and parsons. They differ from all these—save the doctor—in the fact that severe intellectual tests are applied to them before they are permitted to practise. If, therefore, solicitors as a class are found to be a less satisfactory part of the community, it would seem a fair inference that it is something not in their own natures but in the conditions of their profession which is responsible for the unfortunate distinction.

The meetings of the Law Society put

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forward in particular two suggestions. The first is that solicitors shall be compelled to keep two separate banking accounts—one for their own money, and the other for clients' money passing through their hands. The second suggestion is, in effect, to compel every solicitor to become a member of the Law Society, and thereby to submit himself to more or less defined special discipline. To this last suggestion is usually added a proposal for the formation of a guarantee fund available at the cost of the profession generally for the benefit of defrauded clients.

Neither of these proposals is likely to meet the trouble. It is no use, at the critical moment, having two separate banking accounts if the same hand signs the cheques drawing upon both. As regards the second proposal, if the guarantee were to be wide enough, the individual contribution in the shape of insurance premium would be so heavy as to bar from the profession any but comparatively rich men. Lloyd's is maintained as a close corporation by a similar expedient, but these are scarcely

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the days for shutting the door of any business in the face of the democracy.

As regards the proposed jurisdiction of the Law Society, it need only be said that Star Chamber commissions have not hitherto been found satisfactory to anyone, or from any point of view.

Possibly the source of the evil is to be found in the ill-advised attitude of clients towards their solicitors. Solicitors handle, necessarily, their clients' money. There are two other professions in which the same thing happens—banking and stockbroking. You pay money to your banker and expect to find it entered in your pass-book the following day, and to draw on it the day after. You pay money to your stockbroker, and twice a month he settles and sends you either a cheque or verified transfers. Why in the case of the solicitor alone should you part with your money and trouble yourself no further for years and years ?

Let me emphasise the meaning of this. I am employed by a client who purchases a house. The price of it is handed to me

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in bank-notes. I complete the purchase, and write my client that the title-deeds are at his disposal. He writes, in reply, asking me to keep them, or does not reply at all. They remain with me, and I know that, if desperation or the devil drove me that way, I could, without forger's skill and with but the simplest fraud, raise money on them.

A lady writes and asks me to find an investment for some thousands of pounds. I submit a security to her, and she replies that she leaves it to me. I advise a valuation, and she leaves the question of the valuer to me. She sends me her cheque for the advance, and so long as I send her interest on it half-yearly she neither knows nor seems to care whether, in fact, her money is ever invested.

There is an old saying that no man can serve two masters, and the stockbroker who ventured to act for buyer and seller would find himself in trouble not only with his clients, if they learned of it, but with the Stock Exchange Committee. It is, however, not only usual but recognised by statute that solicitors shall act

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for vendor and purchaser, for mortgagor and mortgagee, for lessor and lessee, and the reconciling of their conflicting duties is left to their own consciences.

Remember that in the lengthy, elaborate, and most profitable business of developing building estates, solicitors are encouraged to put themselves practically in the position of bankers, acting first for the widow or retired man of means who finds the money, secondly for the builder—exigent and importunate, calling weekly for a cheque—thirdly for as many of the purchasers, mortgagees, tenants, *et sequelæ* as can, without breach of professional etiquette, be swept in. Bear in mind that the financier, expecting 6 per cent. on the whole amount to be advanced, places it under the solicitor's control at the start. And most particularly remember that, in only too many cases, driven by his natural desire for business, the solicitor himself takes up the finance of other building speculations which have not found favour in the eyes of his clients. Put all these things together, and you will have a com-

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bination of temptation and opportunity to which no other class of men is subject.

It may usefully be added to what has been said that, although there is no single form of document prepared in these days in a solicitor's office which cannot be read and understood by anyone having a Board-school education, clients, nevertheless, resolutely refuse to read through what they have to sign, and even resent the suggestion that it should be read to them.

"I don't want to wade through all this," says the client. "You tell me it's all right, and I'll sign it."

So he signs.

If the drift of the argument has been made clear, it needs only to be said, in conclusion, that the remedy lies in the hands not of the solicitors, but of the clients who employ them. Why not treat your solicitor as you treat any other person with whom you have dealings? If you sell property, why not attend and receive the money? If you buy property, or lend on mortgage, why not attend and take up your title-deeds? If you are trustees,

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why not lock up your securities in a tin box and place it in the bank's cellars? If you are dealing with another man, why, for the sake of saving a trifle in costs, assume that one solicitor can adjust conflicting interests and act fairly by both?

The publicity invariably given to the rare case of the defaulting solicitor does grievous injustice to the profession as a class. Solicitors compare favourably in matters of probity with any other trade or profession, but no possible rules or shackles imposed upon them by the Law Society or by Parliament are likely to circumvent either the prospective jail-bird, or the man driven to wrong courses by need or force of circumstances. In most cases where scandals have occurred, it will be found that the blind and foolish trustfulness of clients has opened a way and afforded the opportunity which no rules could have barred.

Dismissed with Costs

A RETROSPECTION

THE saloon bar of a hostelry close to the Law Courts. Time, five o'clock of a cold, drizzly, October afternoon.

"What's yours?" said the small, alert-looking man in the worn, black tail-coat.

His companion, a stout man in somewhat disordered attire, and with the air of one who has recently passed through trying experiences, started out of his reverie.

"Bitter," he replied with a grunt.

"Oh, have something better than that," said the small man. "Here"—catching the barmaid's attention—"two special Scotch and a large soda, split."

There would be no difficulty, Mr. Pounce felt, about the refreshments being charged to petty cash. "Take Mr. Griggs somewhere and try to smooth him down a bit," had been the instructions of his principal,

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as that gentleman hurried away unostentatiously at the close of the trial.

"Here's luck," said Mr. Pounce, lifting his glass.

He sipped and cast his eyes about, seeking a subject of conversation which might prove diverting. Mr. Griggs, swallowing his drink without speaking, placed the empty glass on the counter and blew a windy sigh.

"Where's Mr. Slurk?"

"Had to rush off to keep an appointment," replied the clerk.

"I wanted to see him," said Mr. Griggs. "I'd like to remind him that he said if I'd bring the action against the omnibus company I should win; that he advised me to refuse the £25 they offered in settlement; that he's had £50 from me towards briefing counsel and getting up the case that's been lost; and that something has got to be done about the costs of the other side which I've been ordered to pay."

Mr. Pounce, with his eyebrow, indicated to the barmaid that the glasses might be refilled.

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“ I think myself,” he interposed critically, “ that the jury were wrong—and that the judge misdirected them.”

“ Jury ! ” said Mr. Griggs, “ why, the jury were got hold of from the start by the other side’s counsel, and took everything he said for gospel. What did you say his name was ? ”

“ Mr. Sniggers, K.C.,” replied the clerk.

A newspaper seller pushed open the swing doors and exhibited his contents bill :

ACTION AGAINST AN OMNIBUS COMPANY.

Amusing Evidence.

“ There you are,” said Mr. Griggs stormily. “ That’s Sniggers. I can hear him now. This sort of thing ”—Mr. Griggs assumed an affected drawl—“ ‘ Gentlemen, I don’t think the merits of this case will trouble you long. You have heard that the incident happened upon the birthday of Mrs. Griggs. You have heard how she and the plaintiff, in company with Mrs. Griggs’ brother (stated to have returned recently from Canada, but concerning

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whose address and present occupation there would seem to be some mystery) had been celebrating the happy occasion. We have found out, after a good deal of trouble, what were the refreshments partaken of by the party. We know the rate at which the trap came round that corner in the dark, with no offside light, and that positively, gentlemen, they cannot even agree among themselves which of them was driving when the collision took place.' So on, and so on, he goes," said Mr. Griggs, panting from his imitative effort. "He spent more than half his time describing our dinner at Hendon—the jury splitting their sides—and then dismisses us and the injury to the horse and trap in two minutes. I could have shied an inkpot at him—as near as a touch I did."

"I noticed that what you had with your dinner seemed to weigh with the jury," interposed Mr. Pounce hesitatingly.

Mr. Griggs banged the counter with his fist.

"I had a little whisky, Mrs. Griggs had Burgundy, and it was Jim had the liqueurs

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and beer. Then Sniggers mixes up the evidence, confuses everybody, and drives it firmly into the minds of the jury that we'd all had some of everything."

"That was a shame," said Mr. Pounce soothingly. "But it's a pity you weren't clear about who was driving. You told us *you* were, so we put that in the brief. Then your brother-in-law tells the court he was driving, and Mrs. Griggs makes things worse by saying that, to the best of her recollection, her brother was just holding the reins while you lit your pipe."

"Yes," said Mr. Griggs, "and then that Sniggers says to the jury, 'It's a pity, gentlemen, we can't call the horse, for to my mind he was the only creature connected with this trap that had a clear head at the time.' After which, of course, 'laughter in court' again. Why didn't our counsel let off some snacks like that?"

"Doesn't do for plaintiff's counsel to take the funny line," said Mr. Pounce.

"All the same, our man wasn't equal to Sniggers," replied Mr. Griggs.

"You wouldn't have liked to pay the

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fee marked on Mr. Sniggers' brief," retorted Mr. Pounce.

"I suppose I'm going to have to pay it now," said Mr. Griggs explosively.

Mr. Pounce was silent. He had a vision of what the figures on taxation were likely to amount to, and he did not care to obtrude that subject at the moment.

"I don't think some of our witnesses did as well as they might have done," he ventured. "Your brother-in-law, for instance——"

"There you may be right," interrupted Mr. Griggs, "Jim would have made a better witness if the case had come on before lunch. Jim's excellent company—I wouldn't ask better for a jollification—but for what you may call sober, precise statement his time is the morning."

"It was a pity about Mrs. Griggs' evidence—her proof was very full and detailed."

"Ah!" said Mr. Griggs, "now that's where our counsel wasn't strong enough. 'You were sitting at the back of the trap, were you not, Mrs. Griggs?' says he.

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‘Yes, sir,’ replies the missus, ‘I was dozing, and first thing I knew was I was turning a somersault backwards.’ Up jumps Mr. Sniggers with an objection. The judge supports him, and then not a word is the old lady allowed to say about how the accident happened, although she was fairly bursting to tell the jury all about it. I don’t see why she shouldn’t have told her tale as well as anybody else.”

Mr. Pounce decided not to embark upon an explanation of the technicalities appertaining to hearsay evidence.

“It must have been sudden and confusing for everybody.”

“Course it was,” replied Mr. Griggs. “Pole of the omnibus runs under the shaft, catches the axle and capsizes the trap. Over I go on to the horse’s back, Jim lands atop of me, his boot-heel in my eye, and last of all comes the missus on to the pair of us, with a crash like the Day of Judgment. When I came to myself and wiped the mud out of my ear, Jim was having a round with the conductor, and it was then, I suppose, that the bus driver

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examined the trap and found out there was no candle in the offside lamp, though I could have sworn I lit it myself."

"You did swear it," commented Mr. Pounce, with meaning.

"Who'd think anything of a little slip like that," said Mr. Griggs. "There's been a miscarriage of justice, that's what it is. They are a wealthy company, and they ought to have been made to pay. Mr. Sniggers may be a very clever man. Fact remains, however, if there had been no omnibus there, there would have been no collision.

"That's true," said Mr. Pounce, "least-ways not with an omnibus," he added cautiously.

The Law and the Railway

AN OPEN LETTER TO THE CHAIRMAN

I HAVE just finished reading the report of your speech at the half-yearly meeting of shareholders, and have studied the accounts of our railway. I am going to try to give you some idea of the hopelessness and dismay which the two combine to produce in me. I am neither a railway nor a financial expert ; nevertheless, I suggest to you that the impression the management of the railway makes upon me is to you a matter of the greatest importance.

I think it was Lord Palmerston who was rallied by his friends upon his habit of conferring on matters of state with a certain man of no noticeable gifts or parts. His reply was that the man was useful as a "foolometer"; that his view upon any subject, prejudiced and unenlightened as it might be, was the view which the thousands of his kind would be certain to hold. He

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afforded therefore a valuable index to the popular mind, and to forces which had to be reckoned with. I accept the uncomplimentary comparison and invite you to attach importance to my observations.

You say you have spent a quarter of a million on capital account during the past half year, that you intend a like expenditure during the coming year, and that you have issued half a million of debenture stock during the past half year. Your accounts show four millions of capital authorised, but not as yet sanctioned, and you ask for powers to raise two millions of new capital; so the line stretches out to the crack of doom. Now I cannot follow your reasons in this matter. The thing seems a madness. There is no other form of commercial enterprise in the world which contemplates a capital extension every half year as a matter of course. You regard your capital account as illimitable; yet all the other conditions under which you work are defined and circumscribed.

There are only 122,000 square miles of land in the United Kingdom. The popu-

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lation is only 42,000,000 and, with a rising standard of living, is more likely to diminish than to increase. The capital already expended on English railways amounts to over £1,300,000,000. It represents £30 a head of the population. The National Debt is only £17 a head. Yet you intend to go on spending as if it were part of the natural order of things.

The manner of this spending causes additional disquiet. You refer with pride to the fact that of 1,000 engines turned out 600 have been built out of revenue account. What of the 400 charged to capital account? Shades of the great economists! I suppose it is with engines as it is with kettles. There comes a time when further tinkering is fruitless. Where are the engines of fifty years ago? Their drivers are dust, their boilers are rust, but the capital which they represented still goes marching on. Engines and wagons don't last for ever. What happens when they are worn out? Do you pay dividends on your scrap heap? I am afraid that you push too far the doctrine of the indestructibility of matter.

THE LAW AND THE RAILWAY

A year ago you boasted that the company, out of revenue, had replaced certain rails with steel rails of a heavier type. I am aghast that you should have thought it possible to do it out of anything else. I would as soon think of mortgaging my home to mend a broken window in it.

Now I begin to understand much, and to suspect more. The new waiting-room on the up platform—capital expenditure, of course. I notice the familiar face of the porter at my local station adorned with a new cap—no doubt, out of capital. And the reason why the galvanised iron roof of the goods depot rusts and leaks, and the woodwork of the signal-box rots for want of paint, is because the company's brokers report an increasing difficulty in dribbling out the company's stock into the hands of the public.

Of course, there are, you will say, the extensions and the additional accommodation, which require capital expenditure. I don't agree; but I know something of the pressure upon you on these heads. The branch line from Littlehomestead to Stony-

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field suggested by the director who is a landed proprietor in those parts, recommended by the group of officials who, as an advance party, have secured for themselves likely bits of land for purposes of betterment, urged on you by the contractors who hang like leeches upon railway companies, and, above all, advised and encouraged by your legal department, which requires the most expensive form of grist for its mill. Without the necessity of "further powers" there could be no excuse for that annual omnibus Bill which, apparently, you regard as part of the inevitable order of things. I have seen something of the pressure which can be brought to bear by that Parliamentary Bar which works so silently and accumulates such fortunes. Your Parliamentary expenses for the half-year, apart from other legal expenses, are £5,000 ; and you are one of the smaller of our railways.

Why have you spent capital on new siding accommodation at local stations ? Is it to please the coal merchants who, as members of the Assessment Committee,

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have just confirmed the increased assessment of your property there ? Why do you provide handsome stations with ornamental clocks and the amenities of an hotel for a town which rates you for its schools, its trams, its baths, and its libraries ? Why do you break your shareholders' necks in order to provide first-class accommodation at third-class prices for a public which denies the railway company any form of civic right or liberty of contract, and which does not even give it fair play in the jury box ? Don't tell me of competition. Competition is a manageable element in all other businesses.

You do all these things out of capital, and you don't seem to worry about the drift of the thing. Each half year you issue capital and you pay your dividend, and so what goes in at the bunghole comes out at the spigot.

I am afraid I am going to be rude to you ; but it is the only course open to me. Out of a constitution designed as democratic, railway boards have evolved an absolutism for which emperors have sighed in vain.

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Everything which Herbert Spencer has said on this head is true to-day, and what he saw in the green tree we see in the dry. The elaborate, costly attack, backed with money and ability, made recently by the shareholders of one railway company upon their board of directors was routed. Your reign is unfettered as that of an Oriental potentate, with the advantage that, in your case, there is no risk of assassination.

The fact is that the depreciation of the company's stock does not matter to you personally. The dividends do not concern you. What I mean is that the return upon your moderate holding is as nothing compared with your director's fees, your foreknowledge of the market, your bunch of director's seals, your opportunities of advancing your young friends' careers, the commercial importance and political weight your office gives you, the gold snuff-box presented by august hands within a beflagged and carpeted station, the knighthood conferred upon the enterprising chairman of the company.

Your election to the chair was the fitting

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crown of a successful business career. You never regarded it as a strenuous post requiring trained qualities. Your co-directors are twice as many and nearly twice as old as they ought to be. Round the board table I seem to see but two men who are of trained ability and at the most efficient age for business. They are the General Manager and the company's solicitor, whose interests are not necessarily those of the shareholders.

You will think that what I have written is in bad taste. Perhaps it is. But again I urge you to take it most seriously. I am a solicitor. It is part of my professional duty to advise upon investments. Right or wrong, my opinion is asked and acted upon. To-morrow I am to see certain executors whose testator has left £10,000 of your preference stock, and I am going to advise them to sell it. And what I am doing, hundreds of other solicitors, accountants, brokers and bankers, no more enlightened, are doing every day.

So the railway companies' stocks drop, drop, drop.

A Family Loan

ARE you in want of money ? To put it more politely : do you require temporary financial accommodation ?

Then go to the banks with their bland, steam-roller methods. Go to the benefit societies with their philanthropic-sounding names and their predatory instincts. Go to the conventional "uncle" and submit your portable goods to his keen and disparaging eye. Go even to Shylock, who retains unimpaired those qualities in recognition of which our Norman ancestors pulled his teeth and basted him with hot lead. But do not borrow of your female relations.

For any extravagance of style I plead the importance of my warning, and adduce in support thereof the experiences of my friend, a certain Mr. Jerry Markham.

My friend is a commission agent—a

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business as to the precise nature of which I am a bit hazy, but which is obviously an arduous one and attended by intermittent and precarious returns. He it was who told me his experience of raising a loan in the family, and it impressed me considerably.

"I was in rather a hole over the St. Leger," he said, "and needed about £200 pretty quickly. You soon find out the sort of stuff your friends are made of at a moment like that. I had to go nearly through the list of them before I found a couple who would do the least thing for me. And those two happened to be ones whose names on paper wouldn't be any good in the ordinary channels. Then I thought of my Aunt Jane.

"Aunt Jane lives with a few pet animals at Peckham. She has that curious habit which so many women have of putting a bit by regularly. So I wrote and suggested a loan in exchange for a bill accepted by me and backed by my two friends. Strange how dull women are over money matters. She replied that

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she didn't understand bills, but that obviously my signature wasn't good for £200 or I shouldn't be needing to borrow that amount. She added that, judging by what my wife had let drop at different times about my friends, she wouldn't feel comfortable if the lot of them pledged themselves to see her repaid. If I had any really safe security to offer she would feel it her Christian duty to help her nephew.

"It didn't do to take offence, so I wrote back and said I would scribble something giving her a right to look to my furniture, and the interest could be what she liked, She replied agreeing to this, and saying that 6 per cent. was the highest interest which her principles would allow her to take. Then she added that a schedule of the furniture would be necessary, and I had best set about preparing it. That was the first inkling I got—if I had only noticed it—of unsuspected qualities in my aunt. I spent Sunday afternoon, however, making a list of the furniture in an old exercise book, and posted it to

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her. When I got home on Monday evening I found my aunt there, checking the schedule, the wife following her round and looking hot and irritable. That was more than an inkling. I tell you my aunt tired us both before she had done with that schedule. She displayed a love of detail which seemed to me wasted on the business. There was no need to put 'chipped' against the dinner service, nor to add 'one sauce-boat missing.' And my wife thought it rather rude to insert the word 'veneer' after 'mahogany,' and to write something about 'iron-mould' in connection with the table cloths. I was annoyed, too, that she added to the schedule several things that had been left out more or less accidentally. I had not intended to include the piano anyway, and it was a bit grasping on her part to go out into the garden and schedule the dog-kennel and the garden roller.

"However, we settled the schedule, which she took with her; and she said the money would be ready if I would call the next evening.

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“I went, and the money was there all right. So was a lawyer whom my aunt had been extravagant enough to import into the business. Five pounds his charges were, and he said they should be deducted from the loan, but aunt said ‘No’; he was there for her benefit and not for mine—truer words never were spoken—and as a Christian woman it was her duty to pay him, which she did. Of course, a lawyer having come on the scene, instead of the little friendly memorandum I proposed, the transaction took the form of a full bill of sale.

“Thereafter, if I may so put it, my aunt descended as a sort of blight upon the home. She used to look in most days to see things were all right. She complained of a scratch on the piano, and pointed out that a knob was missing from a chest of drawers. She would produce from her pocket a piece of wash-leather, and start polishing up things at odd moments. At first the wife would ask her to stop to tea, or to have a bit of supper, or such like; afterwards, when

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we got a bit fed up with her, we stopped those little attentions. But it made no difference to her calls. There was trouble between her and my wife over aunt complaining about our using the best dinner service so much. It was about a week after that aunt spoke to me about the cat. She had called to put brown holland covers over the drawing-room chairs, and she mentioned what a destructive creature our cat must be. Of course, we took no notice, and about a week later, just after aunt had dropped in to see if the clock had been mended, the cat died. I do not like to suggest that a staunch Presbyterian like aunt would do any harm to the poor animal; but all I can say is that, twelve hours before the creature died, it would have been accepted as a first-class life by any London insurance office.

“I suppose that lawyer had put her up to see that I paid the rent and fire insurance premium, and I soon found out that a woman thinks rent ought to be paid on the day it is due. Any business

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man knows that there are twenty-one days which you are entitled to, and about four weeks more which any smart man can easily get before paying his rent. That is not aunt's view, however. Lots of women have that same idea that things have to be paid as soon as they are due. Any practical man knows you can get nearly as much time as you want. What else are the Law Courts for? But it's no good arguing with women like Aunt Jane, and my home was not, properly speaking, a home at all until the first rent which became due after that bill of sale had been paid.

“Then, of course, after three months, there was interest due to her. Round came aunt, and after we had checked the knives and forks with the schedule—we generally checked something together when she called—she asked for her interest right then and there. Money was tight with me at the time, and the end of a little discussion was that aunt went home with the gramophone and a silver toast-rack in settlement of the interest.

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The same trouble occurred next quarter, and this time she compromised by taking some Dresden china ornaments from the drawing-room. My wife cried after she had left with them. She wished bad things about my aunt—which partly came true, for aunt slipped getting out of the omnibus on her way home and dropped the things and smashed 'em.

“Curiously enough, next quarter no pressure was brought by aunt. Time went on until nearly two quarters were due. I grew suspicious, and wondered what she was up to. It was her making me have the piano tuned which gave me an inkling of what was coming. I surprised aunt by having those two quarters ready the first time she mentioned them. It was annoying to have to part with the tie-pin and the ring, on the terms I did, but it was worth while doing it to save the piano disappearing in settlement of a half-year's interest on the bill of sale.

“The crisis came when aunt suggested that the two boys should be sent to a boarding-school to save the wear and tear

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of the carpets. She did it very nicely, but I knew by this time what was the meaning of the old wheeze about 'iron hands' and 'velvet gloves.' My wife informed me—just when I wanted to go to sleep—that unless that bill of sale was taken out of aunt's hands she should return to her mother. She said she had no foolish delusions about matrimony; she quite understood what it meant to marry a man like me, but there were limits to what a woman must put up with in her own home, and she indicated, quite definitely, that she regarded aunt as outside those limits.

“So I re-arranged matters next day with Mosenstein and Co. on the familiar lines. The interest went up to fifteen per cent., and one of my friends became a party to the transaction in a way that ultimately he had reason to regret. The curious thing was that aunt did not want to take her money. She had got into the way, I think, of regarding the things as her own, and took an interest in them and in the polishing and cleaning of them

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and generally keeping them up to the knocker. She told me, when Mosensteins paid her the money, that if any friend of mine who was really respectable was in similar difficulties, she would be glad, any time, to accommodate him on like terms. There are several men to whom I owe a grudge, but I do not think there is anybody whom I would be mean enough to hand over to my aunt.

“Mind you, the whole thing increased enormously my opinion of aunt as a woman of affairs. To think of such business talent being wasted in a small house at Peckham—such diplomacy, such firmness, such order and method, such keen businesslike ways. They could do with a woman like Aunt Jane at the War Office.”

Pitfalls for Lenders

A LAMENTED comedian who used to charm London audiences with his artless confidences and beguile their laughter with pictures of his domestic surroundings, was in the habit of describing his suburban residence, and he would conclude the account of its distinctive features by saying that you could recognise it at once, when passing, by the mortgage on it.

That is, of course, just what you cannot do. You may suspect its existence, but, as a matter of fact, a mortgage is one of the few financial transactions which, in these days, can escape the hateful publicity which interfering legislation seeks to impose upon transactions which sensitive and right-minded people prefer to keep quiet. Therein lies a great difference between raising money on your house and raising it upon the contents of that house.

The mortgage of a house can take any

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form or, indeed, be utterly formless, and yet be a very perfect pledge. You may have a great parchment Dreadnought, as full of tortuosities and convolutions as a mediæval theologian; or you may have half a dozen lines scribbled on a sheet of note-paper; or you may place the muni-ments of title in a wheelbarrow and trundle them round to the lender and deposit them without more ado. In each case there is a good and valid security, and a well-organised and equipped department of the Supreme Court will place at the lender's disposal all necessary machinery for extracting his principal and interest to the full limit of the property's value.

If, on the other hand, your necessities drive you to raise money upon what, in humble circles are known colloquially as "your sticks," you must steer a dexterous course between two quarrelling statutes; you will deviate at your peril from a prescribed form which has en-wrapped itself with something of the tremendous penalties mentioned by the

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writer of the Revelation in connection with addition to or subtraction from the sacred text ; and, finally, a registration is essential whereby, within a few days, the discredit of the transaction spits at you from your trade journals.

A mortgage is one of the most ancient and honourable legal transactions. It is also one over which the lay mind and the lay press persistently go wrong. So does the drama. Of course, one does not expect accuracy on the stage ; but, at the same time, the number of crises in melodrama which have turned upon an essential misconception as to the powers of a mortgagee is disheartening to a lawyer.

Enter villain : flourishing deed. " Now, Sir Guy, as the clock strikes, my money is due. Pay ! or this day thou leavest for ever the mansions and fair demesnes which bear thy name."

Groans and attitude of dejection on the part of Sir Guy. Enter lovely heroine, daughter of Sir Guy.

" Spare my aged father. Wait but one hour and all shall be repaid."

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Remorseless creditor struck all of a heap by shimmer of heroine's back hair, let down for stage effect.

"Give me this maiden's hand and I cancel the deed. Refuse it, and ere the speeding of five minutes she and you shall leave these portals for ever."

Rustles parchment ferociously. After which he either gets the maiden's hand and the comic relief his cue, or else the weeping father and daughter "exeunt" into the snow, according to whether the crisis is taking place in the first or (as it ought to do) in the second act.

If the writers of these stirring scenes had the least conception of what foreclosure means—of the six months' interval, of the expense, the delay, the opportunities for wantonly prolonging the thing, and the miserably inadequate remedy it proves when at last it is obtained—they would not dare to depict such things. Sir Guy might have ordered the men-servants to eject the bold intruder, and, at the cost of some insignificant proceedings for assault and battery, could have

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held the fort for at least six months longer.

From a lender's point of view, the worst mortgage is where the borrower himself lives in the house which forms the security. When default is made there is no rent which a mortgagee can collect for himself: there is only the defaulting, and often defiant, owner in the house. Then the dreary and costly business of foreclosure and ejectment has to begin; usually impeded, as much as possible, by the undesirable person to whom you have lent your money. There are people reputed to be rational who won't pay the interest, won't pay the principal, and won't give up the house. An instance occurs to mind of a man of this class who, when at last the legal machinery gave no more openings for delay, said:

"Wants the house, does he? Well, he shall have it by instalments."

The first brick of it crashed through the mortgagee's dining-room window that evening.

There is no doubt that the bill of sale,

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viewed as a transaction, has managed to surround itself with an atmosphere of discredit. This is due partly to the fact that it is often a strategic device meant for the undoing and forestalling of third parties. There is a class of man who, as a safeguard against the consequences of financial imprudence, has implicit confidence in "putting things into the wife's name." It is a course which often puts that lady to an embarrassing choice between love and duty, and it not uncommonly ends in perjury.

Wise people avoid the bill of sale in any capacity. It can sting whoever approaches it. There is a case on record of a man who obtained furniture on the hire-purchase system, settled it on his prospective wife, gave a bill of sale on it, pawned part of it, and then let the house as a furnished residence. The crisis came when the sheriff levied execution and the landlord distrained simultaneously. It would be an instructive task for a law student to work out the rights of the various parties and place them in order

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of merit : as instructive for him as, doubtless, it was profitable to the qualified lawyers who handled the problem.

Mortgages—the arranging and carrying through of them—form a lucrative item in a solicitor's business. The “scale fee” is an adequate one and, if he act for both parties, the work is less and the total remuneration increased. Nevertheless, perils lurk in these matters for the young and unwary. The more substantial the borrower and the better the security, the greater is likely to prove the difficulty of procuring the rate of interest desired by the lender and the extent of remuneration looked for by his lawyer. When, therefore, these important points are easily won in the preliminary negotiations, it is well to keep a sharp look-out. There is a type of builder who, not entirely out of philanthropy, is ready to place business with the newly-fledged practitioner.

“Nice row of houses : just built, and all well let.—Scale charge ? Certainly, sir. Surveyor's fee ? Of course ; anything reasonable so long as he returns half if

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the loan doesn't go through. Five per cent on the loan? Well, suppose I mustn't object so long as I get the full amount."

So the surveyor goes and finds all as stated, the tenants being remarkably respectable and well-contented. Calculations based on the rentals justify a satisfactory report, and the loan goes through. Alas for the lender! He may go twelve months in comfortable security, or disillusion may come with a default in payment of the first interest. That loan represented more than the cost of the property. If the ground-rent had undergone the process humorously termed "improving," the loan was a sum for which the builder would have counted himself lucky to sell the property. And he is now pursuing his disastrous activities in another part of the country and, anyway, is not worth powder and shot.

So the lender becomes mortgagee in possession, or—to put it less accurately, in a legal sense, but more practically—he is owner indefinitely of a row of lightly

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constructed houses, half empty and half occupied by tenants each of whom has a tale of woe concerning damp walls, peeling papers, leaking pipes, missing fittings, and ominous "settlements."

But what of those bright, contented tenants? Shall a further depth of duplicity be hinted at? Suppose they were relatives and friends of the builders, willing to move into new houses for a short time on easy and elastic terms as regards the actual payment of rent. Such an expedient is not altogether unknown. "Putting in decoy ducks as tenants" is the expressive way in which one builder might refer to it to another over a pipe and a glass.

This is a wicked world.

The Warder's Touch

THE sunlight swept with bright splendour across the lawn, drawing to itself the last of the morning dew and driving the birds into a veritable frenzy of song. By the casement window a young man, sitting carelessly in a hammock, scanned a newspaper and vexed with the drugged smoke of Eastern tobacco the industrious bees that hummed past to renew their commerce with the cherry blossom.

Within, to the sound of a piano, was added a woman's voice :

“Alack-a-day! the hour is sped,
The moon it mocks the tide,
The thought, the whisper and the dread
Come stealing to my side.

The rose leaves scatter by the wall,
Tired of a summer's day,
The lark, sky-wearied, knows the call
That beckons it away.

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Ah! sweet my love, we must embrace
Then follow—and forget,
Content that for a little space
Our lives and lips have met.”

A lazy drawl came from the hammock :
“ If I thought you really meant the
last verse I would be out of this ham-
mock in two seconds.”

The woman laughed and sang again :

“ I never mean the words I sing,
And rarely those I say ;
Until a glance shall summon you,
You'd better keep away.

“ That's an impromptu. But how did
you like my new song ? ”

“ The words are without merit, since
you deny them practical bearing. The
melody is good ; but, unfortunately for
his reputation, your composer, whoever
he is, has stolen it from Beethoven, who,
in his turn, borrowed it from the store-
house of the divine Bach. Nothing is
new—in music or in anything else.”

The lady stepped over the threshold
and came out upon the lawn. She was

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young and slender and fair. But her dress was more elaborate than a summer morning demands; the jewellery on her fingers affronted the sunshine, and a strained restlessness in her eyes and playing about her mouth contrasted curiously with the calm of the wide lawn, the spreading elms, and the contented lowing of distant cattle.

"I don't like you when you talk in that way. There is always something new. My dress, for instance?"

"Admirable—but old. Old as the hills. Flaxman's designs tell us that Helen of Troy, with just such drapery, lured princes to ruin and caused the death of many an honest Greek soldier." His eye ran over her appraisingly. "And with hair, cunningly fashioned as yours is, Cleopatra, serpent of old Nile, drew Antony to dishonour. For goodness' sake, don't let women run down the old. Their strength—the power and glory of it—goes back to the elemental."

The lady pouted.

"You know nothing of dress. I was

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silly to ask you. This is from Worth—the very last shriek of fashion, if you like to call it so. And then you say it is old ! ”

“ The greatest attractions in the world are the oldest,” said the young man.

“ What do you mean ? ” she asked.

“ I was thinking of the attraction which forbidden fruit has for most of us.”

“ And I am thinking of a sound rule for knowing when it is wise to change the subject of a conversation.”

“ When it bores ? ”

“ No ; just the reverse. It is at the moment when the woman knows she ought not to be listening to that which the man knows he ought not to be saying.”

The lady shaded her eyes from the sun, walked towards the hammock, and then stopped to pluck a rose.

“ No one has been to see me for days and days,” she said, “ except you. And I told you not to come.”

“ You can command me in all but that,” he replied. “ Did you not lecture me on my aimless life, and have I not ever since

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pursued steadily one lofty ambition, one most desirable object ? ”

“ You are breaking the rules ; you are——”

“ Trespassing in pursuit of game,” he interjected.

She ignored the challenge.

“ Tell me what the papers say of him.”

“ Columns.”

He spoke ruefully and rose from the hammock.

The lady clasped her hands and looked appealingly at the young man.

“ I haven't the courage to read them ; but I must know. Tell me.”

“ He is still under cross-examination. Ye gods ! to think of it. Three days' dissection at the hands of the acutest and most merciless man at the Bar. In that packed court, with the judge and jury noting every word, and all London yelping for his downfall. How was he when he came home last night ? ”

“ He was a strong man spent,” she answered. “ He spoke kindly to me, but wouldn't talk. He ate silently, fiercely,

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determinately ; sorted and destroyed papers ; sat massing documents and puzzling over figures ; gave that up abruptly, put them all together, and began stroking and talking to his dog. He doesn't show affection, as a rule. I've told you that before, which I shouldn't have done. But last night he took my face between his hands and kissed my forehead.

" 'Cheer up, little woman,' he said. 'We'll win through. I'll beat the wolves yet. I'll try for some sleep now.' "

"Did he rest ?" asked the young man.

Lady Copthall put her hand to her brow and shuddered.

"We had a night of horror. I woke to find him standing at the foot of the bed clutching the brass. Asleep, but with eyes open, staring, and the sweat pouring down his face. He was speaking—slow, hard, weighed, heavy answers. I sprang up, touched his arm, and he shrieked. Oh, Bertie ! I didn't know a man could shriek like that. Then he got back into bed trembling.

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“ ‘It was nightmare, that’s all,’ he said. ‘I was back in the court and things going wrong, and when you touched my arm, I thought it was the hand of the warder.’ ”

“ I began to cry. I have never loved him : I am too afraid of him, and I can’t forget the manner of his wooing. But I think he loves me, and I can’t bear to see anyone fight alone as he is doing.”

“ ‘Don’t cry, little woman,’ he said. ‘They’ll never lay hands on me.’ ”

“ ‘Are you sure to win ?’ I asked.

“ ‘They’ll never lay hands on me,’ he repeated confidently. ‘Now pray God for kindly sleep,’ he added.”

Lady Copthall was trembling. She sat down in the vacated hammock, and listlessly took up the newspaper.

“ I suppose I ought to try and follow things,” she said hesitatingly.

The young man took the paper from her fingers.

“ I don’t suppose anything of the kind,” he said resolutely. “ A little rainbow woman like you has no part in these

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matters. You are going to take me a walk through the park. We will go into the fields and sit on a haycock, and you shall sing to me.

She laughed irresolutely.

“ Ever against eating cares
Lap me in soft Lydian airs ”

“ Come along,” he said, raising her from the hammock.

* * * * *

“ There is Ruffe coming,” said Lady Cophthall, disengaging a hand which was playing cat’s-cradles in the long, thin chain which fell from her neck. “ Oh, I hope he isn’t bringing any news.”

The hawk eye of the young man fell upon the butler picking his way through the stubble, and something in the demeanour of the servant caused him to rise suddenly.

“ I’ll go and see what he wants. I expect it’s a message for me. I—I’m expecting a message.”

He started off to meet the butler.

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There was relief manifest in the eye of the servant as he saw the young man approach.

"Sorry to trouble you, sir; there's someone on the telephone—trunk call, sir—speaking from London. Doesn't want her ladyship, and wouldn't give a message to me. Said if any relation or friend of the family was in the house——" He stopped with a troubled glance.

"You didn't say I was here," demanded the young man darkly.

"I said there was a friend with her." The butler looked meaningly at him. "And I think, asking your pardon, sir, that it would be a fair thing and kind to her ladyship if you went straight to the instrument. "

The young man strode off, followed by the butler. He crossed the hall and, with an ominous foreboding, approached the telephone.

"Is that a friend of Lady Copthall?" The voice was clear and metallic, after the curious fashion of the long-distance call. "I am Sir John Copthall's soli-

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citor. You know, of course, of this business. Regret exceedingly to bear distressing intelligence for her ladyship." The instrument buzzed and became incoherent after the manner of its kind. "You there?—there?—oh yes, well, the jury has found against Sir John—What? Who's that?—Damn you! don't interrupt—I beg your pardon—wires must have crossed—Five years.—No, that isn't all. You must break it to her ladyship, somehow. He's dead—What? I said, 'dead'—Curse these telephones!—You must tell her at once. Papers are spreading it like wildfire. What happened? Warder touched him on the arm, and he'd blown out his brains in court before anyone could lift a hand. Yes; deplorable. Tell her ladyship I'll see to everything necessary. I'll——"

Inconsequently the voice ceased. The young man turned to retrace his steps. He crossed the casement threshold and stepped on to the lawn. Shadows from small wisps of cloud chased one another across the sunswept lawn. A peacock

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stepped haughtily from the rhododendrons and spread a vainglorious fan of emerald and gold. The small gate at the far end of the green space opened, and the white-robed, slender form of the mistress of it all approached with anxious steps.

The young man walked forward to meet her, slowly—very slowly—very slowly indeed.

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IF the proceedings in a court of law were half as animated and diversified as the popular mind depicts them, it would be necessary to charge stiffly for admission in order to control the attendance. The Press is responsible partly for this over-rating of the humour of the business. They report encouragingly the brief flash of humour, and ignore the hours of yawning tedium which precede and follow such rare incidents.

And it is not only in this matter of the comedy aspect of litigation that people go wrong. Here, for instance, is the vulgar idea of cross-examination. Little, nervous man in the box—cashier in some commercial house—had the misfortune to be in his friend's dog-cart when the collision took place; is there to testify that his friend was on the right side of the road and that plaintiff came round the corner

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like a fire-engine. Examination in chief just over—a sufficiently unnerving process, with interjected questions from his lordship and frequent injunctions to “speak up”: an art which cashiers have infrequent opportunities, and no reasons, for acquiring. Up rises Mr. Blatter, K.C., with a smile to the Bench and a droll glance at the jury.

“Now, my man, is it, or is it not, a fact that you have been convicted of petty larceny? What? I didn’t ask you when. I said nothing about twenty-five years ago. I said, is it, or is it not, a fact that you have been convicted of petty larceny? Answer me, ‘Yes’ or ‘No’!” Beams expectantly at jury, and awaits reply.

Now, without making undue claims for the fairness or intelligence of the English Bar, it may be said that that kind of outrage upon a witness is dead as mutton.

May you not, then, cross-examine to credit? Why, certainly. But if you think that to rake up irrelevant offences a quarter of a century old will injure

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any credit but that of the party whose case must needs fall back on such devices, you are blind to the essentials of modern litigation. Show that the little man is short-sighted and had left his spectacles at home ; show that he was dozing and that his eyes were closed ; show that he was courting defendant's daughter, and would be likely to go all lengths in supporting the case of his prospective father-in-law ; but don't think you will help your case by dragging out something which has no bearing on the case and which may have been " lived down " by years of meritorious atonement.

There really is no doubt that the passing of a century or two—a short time in the law, whatever it may be in politics or such-like ephemeral pursuits—has brought about a complete change in these matters. Here, for example, is an Attorney-General—not two hundred years ago—addressing a prisoner about to give evidence :

" Thou art an odious fellow, thy name is hateful to all the realm of England for thy pride. I will now make it appear to

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the world that there never lived a viler viper upon the face of the earth than thou."

If anyone should object that these adjectives and similes are exceptional and possibly were justifiable, it may be added that the Attorney-General in question was Sir Edward Coke, author of "Coke upon Littleton"—an erudite work as often referred to as it is seldom read—and that the prisoner was Sir Walter Raleigh, upon whom, somehow, the verdict of history has been that he embodied peculiarly in himself those qualities of chivalry, courage, adventurousness, and patriotism which are the mark of the Elizabethan period.

Nor must it be thought that the Bench of those days was behind the Bar in using a style of address to witnesses which in these days might be the subject of unfavourable comment in the newspapers. Here, for instance, is the terrible Judge Jeffreys emphasising the oath which a trembling witness before him has taken :

"The God of Heaven may justly strike

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thee into eternal flames and make thee drop into the bottomless lake of fire and brimstone, if thou offer to deviate the least from the truth and nothing but the truth." Shortly after which he informs the witness, "Thou art a strange, prevaricating, shuffling, snivelling, lying rascal."

One trembles to think of the fate of a jurymen who should have turned up before that black judge a quarter of an hour late, and pleaded domestic affliction or the exigencies of his business as any excuse.

Times are changed. The legal swash-buckler has disappeared. Court contests are affairs of the rapier: no longer of the cutlass.

Let us consider for a moment who is in court on your behalf—assuming, if we may, that honour, obstinacy, or necessity has made you a litigant. To begin at the lowest rung of the ladder: there is the managing clerk. Though the court be white with the manifold documents of the case, he is expected by everybody to be able to lay a hand on any particular

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paper at a moment's notice. He acts, also, as a sort of sheep-dog for the witnesses, to keep them good-humoured, yet within call; to prevent undesirable for-gatherings with the opposing party's witnesses, or trackless wanderings having for their object the assuagement of thirst. There is the solicitor, seated by his client and calming his nerves, intercepting useless and distracting instructions aimed at counsel, disguising his own fear lest Eminence, K.C., who is "on" also in another court, shall fail him at a critical moment. There is junior counsel, alert and anxious, conscious of being responsible for the shape the action has taken—a trifle unnerved by velveteed criticism at the hands of Eminence, K.C., at that formal conference following the delivery of briefs—with a battery of Reports beside him grievously incommoding his colleagues, and toeing that incredibly fine line which divides the useful, timely prompting from the inopportune, tactless interruption of his learned leader's argument with the judge. Lastly there is that leader him-

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self. In a spirit of becoming respectfulness let us consider him. That he is of King's Counsel at all, means, in these days, something definitely achieved. No imposters, no mere floaters with the stream, get that far. But he has, deliberately, measured himself with giants and must stand or fall by them. A vulgar simile leaps to the mind and will not be denied. He has succeeded in the feather weights and the light weights, and has entered for the heavy weights. No more of the easy, frequent, remunerative, inconsequent one guinea, two guineas, five guineas. No more of the merry cockshy in judge's chambers. He is never employed save on critical occasions and to encounter heavy metal. And he must succeed, or else . . . his clerk, who has launched out a bit, in a suburban sense, complains bitterly and disloyally to his fellow parasites, "I never wanted him to take silk; I hinted where we'd find ourselves." The Bar is the only profession where the most critical step has usually to be taken after middle age, and in

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the plenitude of a man's social obligations.

Upon the whole, Eminence, K.C., must be the focus of our attention. From the moment that the gentleman in a wig, sitting immediately beneath the judge, has called the case, Eminence, K.C., has been in supreme command. He alone then shapes the case, emphasises or eliminates aspects of it. And in this respect it is difficult not to feel sympathy for him. The difficulties of his task are great; for if the case is won the litigant ascribes the result, naturally, to the merits of his cause and, at most, recognises tolerantly the intelligent co-operation of his advocates. But if it be lost, then the full tide of disappointment is turned in detail upon the handling of the case. "If he'd only called my Uncle Pumblechook," wails the defeated one; whereas, in fact, the learned counsel, in the fullness of his experience, has deliberately refrained from that hazardous proceeding.

"Which is the witness Pumblechook?" murmurs counsel to the solicitor.

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He follows the indicating nod and sees that witness, plethoric, partisan to the finger-tips; so excited that his muttered comments upon and contradictions of the opponent's evidence have already aroused the attention of the judge. In the exercise of his discretion counsel has decided that to put Uncle Pumblechook in the box is to make a present to his astute opponent of a first-rate subject for cross-examination. Yet, when the case is lost, the client will be firmly persuaded that the refusal to allow that particular witness to blow off steam in the witness-box is responsible for the catastrophe. An experienced advocate once said :

“ I have always made a practice of calling every witness mentioned in my brief. It has lost me many a case ; but it has never lost me a client.”

But what of the litigant himself ? We speak not of the habitual litigant, but of the vast majority for whom one lawsuit, like one marriage, is sufficient, for better or worse, in a lifetime. For him much experience and some enlightenment is

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crowded into an hour or two. Let us take him after the luncheon half-hour, for up to that the sequence of events has been far too rapid for any mental precipitate on his part. He has observed in court not only the *débris* of a previous case, but the material for the one which is to succeed his own. He has noticed the somnolence of the usher and the preoccupation of the associate, to both of whom his case is but a detail in an eternal order of things—a dismal sequence which they meet without interest and part from without emotion. He has found out that the leader to whom he has committed his fate is concerned, simultaneously, with another case—of apparently equal importance—in another court. He has experienced the annoyance which Mr. Pickwick felt on seeing his champion converse affably with the hired advocate of his opponent. He realises, with sudden force, that he is running the risk of having to pay for the whole costly pageant; that he has obtruded his personal matters into a complicated organisation which makes its living out

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of such things. He looks across at his opponent Jones, seated by his solicitor, and a feeling of toleration and sympathy towards Jones wells up within him. Why on earth didn't he and Jones discuss the thing over a cigar? But between him and Jones there is now a judge and jury, counsel and witnesses—the whole costly appendage of the law. It is smash or be smashed; so he sets his teeth and tries to follow the drift of the fight which is now raging round the admissibility in evidence of certain letters of which he has but imperfect recollection, and to which he cannot understand why any sane person should attach the slightest importance.

Such may be his thoughts in the thick of the fight. But what if the tide turn against him? Consider what the tragedy of that is to the dumb and helpless litigant who stands to be turned out of court should one howl of rage or shriek of despair on his part disturb the decorum of the proceedings. The solicitor has suspected it for some time. Eminence, K.C., with

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his intimate knowledge of the judicial countenance, has known it for some time. And at last it breaks on the litigant's mind. The inscrutable mind of the judge has revealed itself in observations—slight, but indicative. A witness or two has broken down; a confident one has been mauled cruelly in cross-examination; a conscientious one, being reminded that "you are on your oath, sir," has been but the palsied shadow of his valiant proof. Jones's advocate is smiling, confident, and truculent. Eminence, K.C., and his junior exchange whispers suggesting discord. The great man fires a final shot and disappears in the interests of that other case, now, apparently, showing the greater signs of vitality. Junior counsel, left alone, carries on a forlorn, rear-guard fight. The solicitor's brow is clouded, and he avoids the eye of his client. Jones opposite smiles and nods confidently to female relations seated at the back of the court.

It is all over—except taxing the bill. Justice, you may find, is not a goddess

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holding scales. It is a complicated machine wherein a man may pinch his fingers very badly. It is a field of contest wherein weapons, strange and unfamiliar to the lay mind, may produce dire and unexpected results.

Let us leave the stricken field.

Fame—and a Mangle

HE occupied more than his share of a third-class carriage. He was stout, tobaccoey, loquacious, and earnestly desired controversy. He at first addressed his observations to a meek-looking little man in a billycock hat, who sat opposite, and who replied, in a non-committal manner, "I suppose so," "I dare say," and so on, finally taking refuge behind a copy of an evening paper.

He then glanced round the carriage in search of a fresh victim. A stout woman, after replenishing herself mysteriously from a shabby reticule, had subsided into slumber. A bristly person in a big ulster had entrenched himself behind his newspaper, so he turned to me, and I at once saw, by the change in his countenance, that he knew he had found what he wanted. That is the worst of having a good-natured face. I have heard men of conspicuous

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rectitude, but cursed with red noses, complain bitterly of the misconstruction habitually placed by strangers upon their character and conduct. I have heard ladies say that the custody of a small child is made an easy and plausible excuse for friendly advances from persons whose acquaintance could not possibly be desired. In a similar spirit I may complain that a countenance which is not obviously hostile to those in its vicinity brings upon its possessor a steady stream of requests, confidences, and communications. But this is a digression.

"The worst of this Government, sir, in my opinion, is that they're mostly lawyers, which means that they're always talking, and arguing, and considering, and get very little done. Not that I ought to speak unkindly of lawyers—I'm Pringle, I am."

"Oh," said I, "I do not think I have heard of you before."

"Perhaps not, sir," said he, "you not being a lawyer, as I can see from your face—you'll excuse me, sir. I am Pringle, sir — Pringle — People's Home Comforts,

FAME—AND A MANGLE

Limited, *versus* Pringle and others. I'm a Leading Case."

"I do not understand," said I.

"It's a long story," said he; "but as you want to know I'll tell you."

I protest I had not exhibited any sign capable of such misinterpretation.

"It was over a mangle that was seized by a sheriff."

I thought I saw my opportunity to snub him.

"A distress for rent," I said, unsympathetically.

"No, sir; you're wrong. Not a distress—an execution, by the sheriff. I'll tell you, as I've promised. Why there was an execution doesn't much matter. It was put in by a firm in Southampton Row, of whom I had bought a piano, payable by instalments."

"I wonder they didn't seize the piano," said I.

"They couldn't," he replied; "times were bad, and I'd had to sell it to pay for my daughter's music lessons. So they took the mangle, and, in spite of all the notices

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they got, they sold it. The reason why I became a Leading Case was owing to the circumstances connected with that mangle. It had been borrowed by my wife of an aunt of hers. The aunt was paying for it by instalments, but, of course, that was no reason why she should not lend it to us. A friend of mine—a greengrocer—took his cart one evening, and brought it round, my wife's aunt being about to close her house for a time. When it came, what with it being a light mangle and the girl heavy-handed and pinching her fingers owing to it shifting about, we fastened it to the floor with some clamps. What made things worse was that my rent, as well as aunt's, was behind at the time, and, owing to a mistake, the mangle was included by me in a bill of sale, which it had been convenient to have for a time, but which isn't now any concern of you or anyone else."

"It was a mangle with a history," said I.

"You're right," he replied; "you would hardly believe how many people put in a

FAME—AND A MANGLE

claim ! It came on in the County court, and took three days. There were sixteen witnesses, including the wife and myself, also the aunt, who was as nasty and distant as could be, besides untruthful, as all the lawyers agreed. 'Tisn't for me to criticise barristers, I suppose, but the way some of the witnesses were treated was enough to get anyone's blood up. I'll say nothing of the insults to me, but the wife was tried and twisted and made to contradict herself till she had to have smelling-salts, and the judge suggested she should be released and allowed to cry in the passage. Then they went through aunt's mind with a small-tooth comb—if you'll excuse the vulgar way of putting it, sir. After which, if you'll believe me, they went off into law books and other leading cases which no intelligent man could make head or tail of."

" Well, what—I mean, who won ? " said I.

" It is difficult for me to explain," replied Mr. Pringle ; " the County court judge seemed worried. He mentioned cases in favour of one side, and a lot more in

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favour of another, and seemed to think that whatever he decided would not please anybody. He took it for granted that there'd be an appeal, and finally gave his decision in favour of a barrister with whiskers and a loud voice who represented the people who supplied the mangle to my wife's aunt. Then he said something about costs, which I didn't understand, but which seemed to please all the lawyers.

" You might think that was the end of the dispute, but, as a matter of fact, it was only the beginning. We had it all over again two months after in what they call a Divisional court, where there were no witnesses and, to my mind, a good deal less sense talked. Three judges there was : one a big man with a tired face and an impatient manner, who kept on interrupting ; another was a man with twinkling eyes, who seemed amused at it being about a mangle, and kept making jokes at which everybody laughed. There was an usher that I thought would have to be carried out, his sense of humour was so strong. The third judge was a very small one, who

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looked as if he had a headache. He hardly opened his mouth, and when he did the big one in the middle spoke to him pretty sharp, and gave him to understand that he hadn't grasped the point. A rare to-do they had, and it ended with a complete reversal of form, my landlord coming in first this time, with the bill of sale holder second, and the firm that supplied the mangle pretty well out of the running. A mortgagee of my house, that I hadn't ever heard of before, did very well and was placed."

"It seems to have been a very spirited litigation," said I.

"It was," replied Mr. Pringle, "and, owing to what the judge with the twinkling eyes said, they decided on having another round in the Court of Appeal. This time I was a non-starter as, owing to circumstances I need not trouble you with, bankruptcy had supervened."

Mr. Pringle pronounced these last words with needless emphasis, so that the man in the ulster shifted his position and snorted. Mr. Pringle looked fiercely in

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his direction. The stout lady in the other corner woke up.

"My son's in a bank," said she; "he is a bank porter. He has to wear plum-coloured——"

The train roared into the Merstham tunnel, and by the time it emerged the lady, satisfied with this assertion of her social status, had relapsed into slumber.

"I said nothing about banks," continued Mr. Pringle. "I was telling you why I was out of it when they got to the Court of Appeal. They *did* have a field-day of it there. There were extra counsel, and, from a glance I had at the briefs, each of them was getting a fee big enough to provide every washerwoman in Dalston with a mangle. You'll have gathered, sir, it was the principles involved that made my case so important, and poor old Pringle was really a sort of legal football, being kicked about by the Landlords' Defence League, the Machinery Trades Association, and another body whose name I forget. The arguments were past me, and about the only thing in the Court of Appeal I

FAME—AND A MANGLE

understood was just before I had to leave the court. It was when the bill of sale man was receiving his quietus.

“ ‘Your client has his remedy against the man Pringle,’ says one of the judges.

“ ‘Pringle, my lord, is a man of straw,’ replies counsel.

“Then when I get up and point out that to say a thing like that will injure me in my business, the usher takes me by the shoulder. I won’t trouble you with what I said to that usher outside. The result was, as I found from the papers, that my landlord’s mortgagee held the trumps, mainly, as far as I could gather, owing to the clamps my wife had put on to hold the mangle to the floor. And long after that I heard that a final battle took place somewhere in the House of Lords, where everybody was laid out except that mortgagee, who, to my mind, had less to do with the mangle than anybody else.”

Mr. Pringle leaned back and beamed at me with an air of condescension.

“I am in all the law books,” he said.
“Whenever it is a question of fixtures, or

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bills of sale, or hire purchase, what the lawyers say is, 'Look up Pringle's case.' 'Your name will never be forgotten, Pringle,' said a solicitor's clerk to me, comforting me after the Court of Appeal; 'you are more sure to be handed down than if you had written a book or saved someone from drowning.' "

"It is gratifying to become famous," said I. "What became of the mangle?"

"Didn't I tell you?" said he. "Of course, we have got it still. My daughter bought it when the sheriff sold it at the start, and very cheap it went under the hammer."

Characters for Servants

HER father has called and removed her box in a wheelbarrow. She has cried over the baby and embraced the dog. The month's wages have been paid—and received with a sniff or a snort, as the final mood may dictate. The door has closed upon the last act of Mary, and the stage is prepared for the advent of Jane.

As the result of pointed inquiries addressed to a lady you have never seen and of whom you know nothing, you are assured that Jane is industrious, clean, cheerful, competent, honest, an abstainer, a member of the Church of England, and undistracted by anything in the nature of a "follower." You turn your back on previous experiences, and are persuaded that the embodiment of all human virtues has been procured for £22 per annum, with board and washing.

If there is anything still left unsaid on

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the perennial subject of the relations between domestic servants and their employers, it has not been reserved for this writer to say it. But this custom of giving and receiving characters bears aspects which appeal to the student of contemporary manners. For instance, domestic service has never been standardised. Different ideals prevail. In the Jones's house, where Mr. Jones is the person to be considered, the cooking is the all-important thing. At the Robinsons', where Mr. Robinson "never interferes with the wife," cleanliness is exalted above all else. It is easy to see that the servants of these two households, bearing the most excellent references, might prove failures if exchanged.

There is also to be reckoned with the amiable soul who believes in giving the girl another chance. The character written by this employer may reflect charity and forgiveness and a disposition to look on the bright side of things, but as a record of fact it is a delusion and a snare.

It is worth pointing out that the giving of

CHARACTERS FOR SERVANTS

a character at all is not compulsory. It has its origin not in any right on the part of the servant, but in an instinct of mutual protection among employers.

The law in its wisdom declares that "characters" given by employers are "privileged communications" — which phrase, like many pronouncements of the law, provides pitfalls for the lay mind.

Not all that one lady can say to another lady about the cook comes under the phrase quoted. If the rumour be true that discussion of the domestic servant problem, supported by testimony from each lady present, whiles away many tedious hours in drawing-rooms, then it is important to remember that there is no legal protection in those circumstances to cover any unintentional deviation from the region of strict and sober fact. You are talking about your servant to people who are not concerned in the matter, except as one lady is naturally interested in the affairs of another. The ordinary law as to defamation applies. Strange as it may seem, it is only when the thing becomes in the nature

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of a duty that the law attaches the term "privilege" to it.

Suppose Mrs. Brown says to Mrs. Jones over a friendly cup of tea :

"I am sure Emily, my housemaid, is dishonest. I have missed several things, and should like to search her box, but John won't let me."

Mrs. Jones makes a sympathetic reply, and is probably unaware that she is the recipient of a slanderous communication. Should the conversation come round to Emily's ears, and she be a young woman of decisive character, woe betide Mrs. Brown ! Unless she can prove the truth of her suspicions (an almost hopelessly difficult task) she may find herself defendant in a lawsuit with all to lose and nothing to gain. Moreover, by an odd freak of English law, the blameless Mr. Brown may be co-defendant and held pecuniarily answerable for the freedom of his wife's tongue.

So, too, if Mrs. Jones, by way of continuing the enthralling conversation, says "I never have liked that housemaid of yours ; she is too fond of talking to men when

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your back is turned," then she, also, has entered the region of gratuitous observation, and it may go hard with her if the accuracy of her strictures be challenged in a court of law.

But suppose Mrs. Jones, contemplating the engagement of the aforesaid Emily, is making *bona fide* inquiries of Mrs. Brown on the points alluded to. Mrs. Brown replies, "I am doubtful whether she is quite to be trusted, as we have missed things since she came. I also think she wastes time with the tradesmen." Here Mrs. Brown's suspicions may be wrong, but it is a privileged communication made under a sense of duty to Mrs. Jones, and Emily cannot succeed in any action at law unless she can prove "malice."

It is difficult to define the legal meaning of the word "malice." Perhaps the best test is to consider whether the dominant motive of Mrs. Brown is to give information useful to Mrs. Jones or to injure Emily. If the latter, then there is malice, and the character, if untrue, is no longer privileged. You perceive this involves an inquiry

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into the state of Mrs. Brown's mind, and the law is an unhandy implement for a metaphysical excursion of this kind.

The manner in which the character is expressed, however, goes far to settle the question of malice. "I regarded my late cook as untidy, unclean, and very wasteful." Poor cook may be none of those things, but such a letter is a businesslike expression of a genuine belief, and her failure to secure the new situation leaves her with no remedy against her late mistress. Suppose, however, Mrs. Brown, with a sense of recent injury and conscious of the possession of a lively literary style, pens something like this: "You will find her tidy—if a dirty face, a cap awry, and tapes and buttons never under control strike you merely as pleasing indications of temperament. You will find her clean—if you avoid the kitchen before meals and refrain from inspecting the insides of the saucepans. You will find her economical—if you regard the stealthy bestowal of provisions on relations as a meritorious, if vicarious, form of charity." Sardonic

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humour of that sort is calculated to land Mrs. Brown in serious trouble.

To sum up. If you are asked for a character, state what you honestly believe and express it in the plainest fashion. You need not fear the result. If, however, your feelings are at all likely to get the better of you, remember that you are under no obligation to give a character at all.

My Trusteeship

A LAYMAN'S EXPERIENCE

BE pleased to hear something of what it means to be a trustee. I am one.

The thing dates back about fifteen years, and starts from a chance encounter with Tom Gregson by the Mansion House.

"By the by, old chap," said he, "my lawyer has been telling me I ought to make a will, so I've stuck your name in as executor."

Gregson and I were at school together. Later, we often travelled up to town by the same train, and our wives were bosom friends (things are different now), so I assented lightly enough, making some more or less felicitous observation about the chances of life and the unlikelihood of my being called upon to act. Next summer came the wreck of the *Drummond Castle*—poor Tom was returning in it from the Cape—and my trusteeship materialised.

MY TRUSTEESHIP

Well, I “sold and converted into money” —of course, under the lawyer’s advice— and I invested the proceeds in “some or one of the modes of investment authorised by law for trust funds.” I duly pay over the diminished income to the highly dissatisfied widow, and with regard to the principal, “hereinafter called the residuary trust fund,” I feel in the unenviable position of a man charged with the custody and preservation of a gallon of water in a leaky bucket.

For example, Gregson left £10,000 worth of bank shares, yielding him about $4\frac{1}{2}$ per cent. The stockbrokers explained the nature of the uncalled liability on them, and we sold them. He left £10,000 worth of leasehold property, returning a comfortable 6 per cent. From the legal point of view, this was a “wasting security,” so we sold that as well. With the proceeds of the two sales we purchased Consols at about 112 and London and North Western Railway 3 per cent Debenture Stock at about 120. That was in 1897. Now mark the dolorous result :—

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Dividend on £10,000 of bank	
stock	£450
Dividend on £10,000 leasehold	
property	£600
	<hr/>
	£1,050
Dividend on £8,900 Consols .	£223
Dividend on £8,300 3 per cent	
Debenture Stock ..	£249
	<hr/>
	£472

The net diminution of income on these transactions was, therefore, £578. Mrs. Gregson had to relinquish her carriage, and it was her outspoken comments upon “ poor Tom’s mistake in choosing a trustee ” that chilled the cordial relations which had existed between her and my wife.

But that is not the worst of it. Here is the present market value of these two carefully selected trustee investments :—

£8,900 Consols at 82 per cent	£7,298
£8,300 London and North	
Western Railway 3 per cent	
Debenture Stock at 92 per	
cent	£7,626
	<hr/>
	£14,924

MY TRUSTEESHIP

Net loss on capital, £5,076 ; and I have only instanced the investments of part of the estate. Small wonder—though it adds to my bitterness of spirit—that, after I had frustrated the effort of Gregson junior to raise money on his reversion with a view to cattle ranching, he surprised his family by electing to be articted to a solicitor—with a purpose, as he genially put it, of becoming competent to keep an eye on his father's trustee.

There was other property of poor Gregson's which, under a clause in the will permitting us to "retain" existing investments, we did not realise. For example, we held London and North Western Railway Ordinary Stock, which in that year—1897—reached the price of £209. From that day to this they have paid dividends averaging exactly £6 6s. 7d. per cent per annum on the nominal capital. If, in that year, you had placed £209 in cash in a leathern bag and had drawn out each year ever since £6 6s. 7d. by equal half-yearly instalments in February and August, you would to-day have in the bag

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£139 7s. 7d. The value of £100 London and North Western Railway Ordinary Stock to-day is £135 ? There are people who say that English railway companies have been paying their dividends out of capital for years past. Nothing that I or anybody else can say is likely to produce the slightest impression upon the companies ; nevertheless, the fact remains that the market appraisal of their stock coincides remarkably with the opinion of these perverse critics, and my figures show that a leathern bag to keep the sovereigns in would have been a better investment thirteen years ago than a purchase of their stock.

“ And I also appoint him to be the guardian of my infant children.”

I suspect that the lawyer inserted those words as common form, and that Tom passed them as idle verbiage. He must have known Mrs. Gregson's decision of character at least as well as I do now. Nevertheless, when Netta Gregson, whom I had regarded merely as a big girl with a pigtail, suddenly converted that appendage

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into a more alluring coiffure and became the subject of local gossip in connection with a young doctor, I was haled in on the strength of this wretched clause and invited to oppose the match. Straightway I became the football of the contending parties, and when, in the end, love prevailed and the engagement became a fact, I had earned the contempt of one party and the resentment of the other.

Do what I can, the income dwindles and the capital dwindles. The whole current of social legislation and economic forces is against me. For twelve years gilt-edged securities have wilted, and look like continuing to do so.

“Try mortgages,” says my solicitor, with an alluring eye.

Not I; I have a friend—another trustee—who did try them. He has found that neither the lawyer who investigated the title nor the surveyor who certified the value is any sort of guarantee when the pinch comes. He has become that miserable thing, a mortgagee in possession. He collects rents, ejects tenants, does repairs,

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complies with county council requirements, and wakes in the night wondering if the fire insurance premium is paid. It is fortunate he has retired from business, as the trust property occupies most of his time. Poor fellow! he asked for a fish and they gave him a scorpion. No mortgages for me, thank you.

And while the stocks dwindle the trust itself ramifies. The daughters' shares are settled on them and their children to come. One son's share is mortgaged to an insurance society, who serve notices on me and have thoughtfully placed a "distringas" on the securities. If young Gregson, above alluded to, meets with the financial disaster which I think—I do not say hope—is in store for him, I shall have his trustee in bankruptcy to reckon with. I see a slow-gathering cloud which is likely to assume alarming proportions. But it is not likely to burst in my time. Mrs. Gregson has one of those gun-metal constitutions which seem to be the prerogative of middle-class widows in comfortable circumstances. It is probable that my executors will have to defend

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my position when the Gregson trust is wound up.

Naturally enough, the newly created Public Trustee has been suggested as a short and easy way out of my troubles. That philanthropist, however, wants a percentage on the capital of the estate for taking over the affair, and another percentage per annum for collecting and distributing the income. Opposition to his appointment arose upon a very practical basis. Gregson junior, speaking for the reversioners, suggested delicately that the precautions in the form of periodical audits and inspections, arranged by the young doctor and himself, had reduced my opportunities for peculation to a minimum, and he saw no reason for depleting capital by the amount required by the Public Trustee. Mrs. Gregson, with admirable terseness, said she saw no reason why she should pay income tax twice over. She thought, too, that the Public Trustee might be found wanting in "elasticity." Elasticity, in this context, is a word of vague and doubtful import. I am disposed

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to think it indicates a plastic quality affording play for the importunity of widows—a willingness to advance funds prior to the receipt of income, a certain complaisance about putting on boots after dinner to go round and discuss adenoids, school bills, and a suitable career for the youngest Gregson.

The position of a trustee is one neither of honour nor of profit. It involves the responsibilities of wealth without the enjoyment of it. It drags you into other people's affairs. It endangers the provision you hope to make for your own family. It may outlast your health, strength, and ability to cope with it. And it may mean financial disaster for your own estate after you are in your grave.

The Elusive Boy

THERE is an impression about that the law is powerless in the presence of the small boy—that he shares with kings, ambassadors, and trade union officials an immunity from those legal processes which constrain the footsteps of ordinary citizens to the paths of rectitude. So far from this being the case, it is probable that the boy—"the soaring, human boy," as the unctuous imagination of Mr. Chadband depicted him—might, if he troubled himself at all on the subject, demonstrate that he is peculiarly the object of the law's solicitude and attention. There is an increasing tendency on the part of the State to pose towards him as a combination of fairy godmother and Dutch uncle, by which popular, but mystifying, expression is intended to be implied a gruff, restraining, admonishing, quasi-parental sort of attitude.

The civil courts, it is true, will have

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nothing to do with infants—at all events as defendants. It is no good suing them for money lent or the price of goods, or for damages for trespass, or negligence, or assault. But in the criminal courts responsibility begins early in life. Up to the age of seven you are immune ; you may comport yourself as desperately as you please without fear of consequences. From that age, however, up to the age of fourteen, during which period you answer the legal definition of “a child,” you are punishable for your offences if the magistrate is satisfied by evidence that you realised at the time what a naughty boy you were being. From fourteen to sixteen, when in the eyes of the law you are a “young person,” you are fully responsible unless your friends can satisfy the magistrate that you are mentally defective. After that age you can stand your trial and take your punishment alongside criminals of any age.

So, you see, responsibility begins early in life, and in the old, harsh days of the penal laws, when extenuating circumstances did not count and First Offenders Acts were

THE ELUSIVE BOY

unknown, terrible things might happen to boys. It is not a hundred and fifty years ago since five boys were hanged together in London for stealing. "I never saw boys cry so," is the terse, but illuminating, comment of the historian who witnessed the horrifying event.

Broadly speaking, therefore, it may be assumed that, from the age of fourteen upwards, that which is a punishable offence on the part of a man is likewise a punishable offence on the part of a boy, the only difference being that while in the case of an adult punishments take the forms of fines or detentions, there is an increasing tendency to consider that for boys the most salutary treatment is birching. As regards corporal punishment, it is curious to note that public opinion tends steadily towards the view that it is brutalising and degrading for adults but appropriate and serviceable for youths. There may be sound, ethical reasons for the distinction, but, naturally, it is not one which boys will regard with any degree of enthusiasm.

How, in these more merciful days, can a

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boy declare that the law is peculiarly on his track ? Well, it vaccinates him, keeps him at school, birches him, combs his hair for him—this is meant literally ; we need not be more explicit—and provides special courts for him where his offences are dealt with summarily and without the lime-light which should attend the misdeeds of heroes. It provides uncongenial supervisory schools, and can drive him there even when his term of probation is expired. It hauls him out of public-houses, and even searches his trousers pockets in public places on reasonable suspicion of cigarettes. That would not have done for Tom Sawyer ! And it is galling for youths of spirit, properly imbued with the Dick Turpin tradition. All very well, perhaps, from a grown-up, public standpoint, but very handicapping for an active-limbed boy whose opportunities for romance and adventure must be timed between the hour of school-closing and supper, and whose area for the same is restricted to a vigilantly policed urban district.

It may be desirable to mention a few of the statutory offences to which boys are

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peculiarly prone, and for which magisterial punishment is provided. You can be convicted for beating and abusing animals, for throwing or casting fireworks in the street, for giving false alarms of fire, for trespassing in pursuit of game or rabbits, for fishing in private waters, and for stealing fruit. All of these meet with fines or small terms of imprisonment, and in the case of boys there is generally a provision for the substitution of a dose of birch rod. It is expressly provided that where a child is male the court may, in addition to or instead of any other punishment, adjudge the child to be privately whipped. "In addition to"—mark that; and you must admit that there would be some justification if a small boy were to complain that the law is over-attentive to him.

Why, then, is it that we hear complaints that the law is not competent to deal with boys? Partly because of the nature of their offences, and partly because of the strategic elusiveness of the criminal. Boys do not murder, or burgle, or forge, or black-mail. They rob orchards, deface property,

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pelt cats, assault one another, and break by-laws dealing with street noises and stone-throwing, all offences of a light-hearted, unpremeditated and transitory description. And the mobility of the youthful criminal and his disregard for appearances cannot be matched by the grown-up citizen. These offences are all punishable. Don't blame the law. The magistrate is sitting there ready to deal out an appropriate measure of reformatory and birch rod. The policeman is willing, to the full extent of his wide-girthed, short-breathed, tight-tunicked ability, to assist in the apprehension of the criminal. But the offender slips round the corner and remains anonymous. The difficulty for the outraged householder is the same practical one which beset most of us in our youth, when facetious uncles expounded to us so plausibly how to catch a bird—the difficulty of putting the salt on his tail.

But you must not blame the law because your own lack of lissomness prevents you from dragging your adversary in front of the sword and scales.

The Law as a Livelihood

THIS is written mainly for mothers.

It is usually the maternal hand that guides destiny in the matter of a career. No praise is intended, or blame imputed, to either party by that remark. It is merely a truism based on extended observation. It is the mother who devotes her thoughts, her prayers, and any back-stairs influence she may happen to possess, to the choice of a profession for her offspring. The male parent in these matters is apt to be partly a fatalist, partly an opportunist, and, anyway, cherishes few delusions as to the talents of his son, or the peculiar nobility of any particular occupation.

Why the Bar appeals is easy to understand. It fits in so. A satisfactory school career, success at the university, feats with the dead languages—the more impressive for being imperfectly understood—

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law tripos, a cultivated manner, a trick of easy speech. From these things it seems easy and natural to go on to dinners, a call, a brief, more briefs, reputation, wealth, politics, with finally the Bench, or the front benches, as inclination may rule.

There are, however, in that primrose path, gaps and hazards, thickets and sloughs, that would never be suspected.

There is no doubt that the word "pleadings" is responsible for much popular misconception as to the scenic aspect of a barrister's work. It suggests intercession, rhetoric, passion. Amiable ladies seeking a career for their sons have a vision of a court spellbound, dissolved in tears, the very judge mopping his eyes, while an eloquent, pleading figure—cambric bands flying and with eyes turned to heaven—invokes the God of Justice and the Angel of Mercy in the interests of his wronged client.

Anyone who has been in a court of justice knows that that sort of thing does not happen. Pleadings are not outpour-

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ings. They are not even vocal utterances. They are dull documents exchanged before trial with a view to making parties stick to the point.

What usually occurs is a stumbling prosy utterance, devoid of style and defective in syntax, prompted by the solicitor in front and the junior counsel behind, interrupted by "my learned friend" for the other side and delivered before an audience restless and indifferent, consisting mainly of discontented jurors in waiting and solicitors' clerks prowling from court to court in search of incidents to relieve the monotony of their day's work.

Eloquence is rare and viewed with suspicion. The very heaviest brief fees carry no obligation to display emotion in court. Counsel do not even bang the desk with their briefs. Serjeant Buzfuz is dead.

The qualities that make for success at the Bar are not really those that occur to the popular imagination. Irony lies in wait for eloquence, and snubs for assurance. "Judicial notice" is not taken of academic distinctions. Rather is success

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to be found in familiarity with the rules of practice, in the nice estimate of the length of a judge's foot, in a faculty for instant ready thought, in a knowledge of those tactics which display themselves in the chamber practice, where many an action is, in reality, lost or won before it comes into open court. And always drudgery, iron nerve, and a care and exactness never for a moment to be relaxed.

Success at the Bar is a delightful achievement, but it is most difficult to attain; and of all forms of failure it can be the most complete. The unsuccessful grocer is made bankrupt, the financier falls from his greatness, the banker absconds and disappears. But the unsuccessful barrister simply never *begins*. He does not even get a run for his money.

Be pleased to hear what it may be like.

You don your robes and go into court at 10.30. The judge enters and bows to the Bar, and with the others you return the courtesy. The day's work proceeds, the tide of affairs surrounds you, you watch the encounters—the merry cut and

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thrust—you sit and hear the subdued badinage of the crowded outer Bar. You are in it all, but not of it. The hand of the clock creeps round to 4.0. Punctual to the moment his lordship arises, bows, and disappears. You go out into the corridor, past the scattering solicitors' clerks and released jurymen; past the hot, tired advocate, who has left his clerk to gather his papers in various courts and is hurrying off to afternoon conferences. You go back to your own chambers, past the yawning, indifferent clerk, into your silent room. The afternoon sun slants on to the dusty carpet. A fly buzzes on the window-pane, the furniture fades, the papers and books yellow and rot. Day after day you do this, while hope dies and ambition takes wing, while nerve and pride and knowledge slip away, and the chill spectre of failure whispers, "You and I are acquainted." Oh! the tragedy of it—the long, bitter, silent, choking tragedy.

There remains the other branch of the law, sometimes referred to unkindly as the "lower" branch.

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The old superstition that a glib tongue, an assured manner, and low moral perceptiveness indicate fitness for the profession of a solicitor dies hard. These are qualities much more likely to result, after heart-breaking disappointment to all concerned, in a single-fare passage to a distant colony, and a devout, if unspoken, prayer that the owner of them may not be seen again by his friends here.

There is not the same glamour about the solicitor as falls upon the barrister. In the eyes of the community the solicitor suffers perhaps an undeserved unpopularity. Men go to a solicitor as they go to a dentist—to ease them of some pain or trouble. And it is often the duty of the solicitor, as of the dentist, to inflict further pain and trouble in curing the evil ; and the bills of both are an irritating disbursement to have to make.

Moreover, high positions, the appointments that catch the eye and kindle the imagination, are not for the solicitor. At the start the advantage is certainly with the solicitor. The young barrister is

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fenced round with an iron etiquette. He can get no work save through a solicitor. He cannot even make the will of his maiden aunt without that intermediary. The budding solicitor may not advertise his qualifications, but there are fifty ways in which indirectly he may and does bring these qualifications into general notice. It is quite natural. "The young lions roar after their prey : they seek their meat !" But the old lion—the sleek and fattened lion—he lies quiet in the reeds and bushes. There is no more unobtrusive man than your matured and successful solicitor. Profits, not honours, are his. He is not in the courts or on the platforms or in the papers. No searchlight plays on him. His work is silent, ceaseless and remunerative.

If a metaphor may be essayed, the successful barrister is an eagle who, from his golden perch, takes wing into the bright light of the legal, the official, or the political firmament. The successful solicitor is as the silkworm who disappears in the golden cocoon of his own spinning.

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For, after all, over the walnuts and the wine—between themselves—the solicitors will admit that, as things go, theirs is not an ill-paid profession.

Anyway, the public think so. Last month you might have seen that, at the final examination of the Law Society, 235 men qualified to practise as solicitors. That happens four times a year. A thousand young lions let loose upon the community in each year! In the same paper you may, perhaps, notice the death of a solitary solicitor at an advanced age, and possibly the bankruptcy, the disappearance, or the officially terminated career of one other.

A profession whose imports are so heavy and whose exports are so scanty must needs display the evils of competition and overcrowding. There are square miles in London, and large areas in the suburbs, where you could scarcely discharge a shot-gun at random without wounding a solicitor.

“The constant tendency in all animated life to increase beyond the nourishment

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provided for it." Poor old Malthus ! His theories have never been popular, and in these days it is the fashion to ignore them. This is a lawyer-ridden country, people say. Nevertheless, it would seem that a time is coming when the almost countless solicitors will have to support a precarious existence by taking in each other's washing.

“Wakkerstrooms”

THE STORY OF AN INVESTMENT

“In the Kafir Circus the depression is becoming more acute, and dealings of any kind are becoming exceedingly difficult in consequence. Dealers refuse to put any stock on their books, and selling becomes less easy day by day, for there are no buyers.”

Financial Article, Daily Paper.

It “fopped” into the letter-box just as I was going to bed, so I lit a final pipe and sat down to peruse the fourteenth annual report and statement of accounts of the Wakkerstroom Mining and Land Development Company, Limited.

It really is good of them to go on sending it to me. How time flies! I cannot believe that it is fourteen years since I paid 2s. 6d. for a copy of the prospectus and humbled myself before a stockbroker's manager whom I had known and disliked at

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school. He saw that I got an allotment of 100, which straightway went to a premium of £1, and for a whole week I walked on air. I chuckled to myself when I thought of the “auriferous areas.” I wearied my friends with learned dissertations about crushings and deep levels.

One day I bought another hundred of the shares, and had the satisfaction of reselling them at a profit the same day. I remember seeing my stockbroker dive into a seething mass in Throgmorton Street and emerge, breathless, to wring my hand.

“Sold ’em, old chap, at $2\frac{3}{8}$.”

Oh, the joy and the excitement of it! I bought lots of financial papers, and sucked in, with immense satisfaction, the golden prospects which lay before buyers of “Wakkerstrooms.”

There was talk of a subsidiary company with preferential rights of allotment for shareholders. I began to feel a distaste for my daily occupation, and turned longing eyes towards the interests and opportunities that the Stock Exchange presented.

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Then came the never-to-be-forgotten "slump."

"Hold on," said the stockbroker's clerk; and I held on. I remember deriving a sort of satisfaction from figuring out that the last stand of the Jameson raiders must have taken place on ground forming part of the Wakkerstroom lands. I hoped that none of the machinery referred to so alluringly in the first report had suffered in the conflict. It had not—thanks to the fact that it arrived from Germany two years late, and was destroyed, somewhere near Laing's Nek, by an excited colonel of Yeomanry who had confused notions as to the difference between mine gear and machine guns, and preferred to take no chances.

The accident was of the less importance, however, in that, had the machinery arrived, it would not have been required.

"Your directors, having discovered as the result of further patient development that the low-grade ore is not likely to repay the cost of working, have decided to abandon these claims and to concentrate

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their efforts upon the farms of the company. They trust that, with more settled political conditions,” etc.

I have never brought myself to think bitterly of those directors, with their foreign-sounding names ; but they did not concentrate their efforts. They dissipated them. They put money into waterworks, and bought a third share in an hotel. They traded in ostrich feathers and mealies. They even tried pigs. They promoted the Trickfontein Diamond Mine, and, when that failed, they applied to the courts for permission to enlarge their sphere of activities, so as to take a hand in West Australian schemes—that particular sort of venture being popular just then in London.

And all this time our cash capital melted. The rebuff over West Australia must have disheartened them, for just about then they shed the two English directors, changed the name of the company, realised what were left of the pigs, and sat down to wait till the clouds rolled by.

Two successive reports expressed a hope

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of speedy recovery in South African affairs, and meanwhile "your directors are conserving the assets," etc. A footnote by the auditors stated that these assets, as they figured in the balance sheet, were taken at the cost price appearing in the company's books—a statement which may have been intended to be reassuring and, on the other hand, may have been in the nature of a "hedge" on the part of the auditors.

Then we amalgamated with another company. It happened in South Africa, and English shareholders, of course, knew nothing about it till it was practically complete. I received full reports of long speeches by both chairmen showing the enormous benefit to the companies. Boiled down, the basis of the "deal" seemed to be that we had cash but no "market," whereas in the other company there was a market but no cash.

There ends what may be called the active history of the company. As I said, they always send me the annual report, often with a coloured binding, and sometimes with a map. Once they called in

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my share certificate and reissued a fresh one. That was when they changed the name, and the secretary took the opportunity of remonstrating with me, in a dignified way, by pointing out the advisability of at once apprising him of any change of address. It was evidently his opinion that my carelessness might, some time, endanger my chance of participation in a good thing.

And all the time our market “quotation” dropped silently, steadily, ceaselessly. You will not see it at all now at ordinary times, but twice a month, when the financial papers publish what I think are called settlement figures, you may find “Wakkerstrooms 1-16.” When, however, I thought to get a five-pound note for my hundred shares, my stockbrokers told me that there was no market; the quotations were purely nominal.

It is marvellous how the old company lingers on. Nothing to do, nothing to expect. Sans hope, sans faith, sans reputation, sans object. Only that dwindling cash balance for the directors and staff to

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use up. Really, like Charles II., we are an unconscionable time a-dying. One feels quite apologetic towards those accountants who have so long audited us, and who, as liquidators, should have the interring of our bones.

It eases one to be sarcastic, but really I ought not to complain. As George Meredith says, "Our new thoughts have thrilled dead bosoms." One hundred and fifty years ago, just the same thing was going on in just the same spot. One calls to mind a picture in the portrait gallery of Macaulay—one where that doughty controversialist is dealing severely with a statesman of the past, whose character, alike in its strength and in its weakness, was congenial matter for the Macaulay style of treatment :

"When the South Sea Company were voting dividends of 50 per cent., when a hundred pounds of their stock were selling for eleven hundred pounds, when Thread-needle Street was daily crowded with the coaches of dukes and prelates, when divines and philosophers turned gamblers, when a

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thousand kindred bubbles were daily blown into existence—the periwig company, and the Spanish jackass company, and the quicksilver fixation company—Walpole’s calm good sense preserved him from the general infatuation. He condemned the prevailing madness in public, and turned a considerable sum by taking advantage of it in private.”

It is interesting to note that when the crash came in those days it was proposed, by members of the House of Commons, that the directors should be tied up in sacks and thrown into the Thames. Our modern Directors’ Liability Act is but a tame substitute for such drastic treatment.

I am not bitter. I do not grudge my hundred pounds. Experience cannot be learned at school, or acquired from books, or borrowed from our friends. It can only be bought. And the price is usually hard cash. There are many ways in which I may yet display unwisdom in parting with money. Ambition, folly, credulity, and avarice, in any of their hundred forms, may lie in wait and successfully assail me.

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But I think I am proof against gold, diamonds, or any other products of South Africa proffered me through the medium of the Stock Exchange.

“ Yon rising Boom that looks for us again,
How oft hereafter will she wax and wane?
How oft hereafter look for us
Through Kafir markets — and for *one* in
vain ? ”

I hope the shade of Omar Kháyyám will
forgive me for that.

The Unpopularity of Solicitors

THE following observations are intended to be, not a whine, but in the nature of a philosophical inquiry. There is no occasion either for apology, or an appeal for mercy. The economists have taught us the compensatory adjustments of the various trades; otherwise there would be 10,000 applications for the post of game-keeper and none for that of scavenger. A coal miner is better paid than a cherry picker. The hangman, one suspects, draws a salary for which a stonemason would sigh in vain. So the solicitor, amid the uncomplimentary adjectives which hurtle around him, sometimes finds consolation in a secret shared only with his banker and his accountant.

That solicitors, as such, are unpopular cannot be denied. From Dr. Johnson's classic insult, "He desired not to speak

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ill of the gentleman, but he believed he was an attorney," down to the unrestrained comments of the last unsuccessful litigant smarting at the cost of a faulty diagnosis of his particular grievance, the public estimate of solicitors is clear, outspoken and uncomplimentary.

Consider, however, for a moment, the position of a solicitor as retailer in pen'n'orths of our confused and complicated law. He is no more responsible morally for an unsatisfactory article than the village grocer whose tea and coffee are sometimes subjected to criticism.

English law is a fen of stagnant waters. There are survivals still working mischief which can be traced back to the Druids. Consider this palæozoic layer, covered with Danish tradition and odd fragments of Pictish, obfuscated by Saxon, steam-rollered by the short, but heavy, passage of the Roman, overruled by the Norman, bedevilled with the Canon Law, made the sport of five hundred years of conflict between King and people and King and Church, and, lastly, patched and amended

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and draped and trinketed by every passing phase of popular legislation.

You cannot explain the simplest conveyance of the silliest seaside plot without harking back to Henry VIII. The very bailiff whose muddy boots desecrate the portals of the impecunious, traces his dingy ancestry back to the feudal system.

The happy-go-lucky legislator, with his fine, careless raptures, is responsible for much. It requires the boldness of ignorance to legislate confidently. The sanguine Member of Parliament, hastily scribbling amendments in the lobby, can disturb the sedimentary deposit of ages, and his spicule of law remains to work havoc long after his constituency will have no more of him and he has retired into private life.

It is this dark and fermenting mass which has to be handled by solicitors. Yet when you call and desire that it shall be applied to your own small grievance, pay your 6s. 8d., and have measured out to you your half-pint of legal information and advice, you yelp and curse your

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solicitor because the mixture disagrees with you.

Consider, too, the judges, to whom it is the privilege of the solicitor to introduce you and your woes. They are not interested in you, and they approach the question in dispute from a standpoint not always understood. Sentiment is lost upon them ; they neither fear wrath nor regard tears. No one knows what they would say or do if it was attempted to tell them what Parliament *intended* by any particular statute, for it is believed that the experiment has never been tried.

Litera scripta manet. You remember the story of the literal-minded bandsman who disturbed the harmony of the orchestra with a discordant blast. The conductor inspected his score, and pointed out that the bandsman had attached undue significance to a dead fly pressed upon the lines.

“ I knew it was a fly,” replied the man ;
“ but it was there, and I played it.”

His Majesty's judges may often be conscious of the dead fly on the Statute

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Book; but if it is there, they conceive it to be their duty to give effect to it.

There is a type of judge, conscientious and oppressed by authority, whose judgments often betray hesitation and vacillation and a knowledge that there is a Court of Appeal which will put him right. That is bad enough. But there is a worse judge, who sits bold and confident, and attempts to administer a fine, natural justice regardless of precedent. This judge may give a short-lived satisfaction in the emotional atmosphere of the court of first instance, but such a success is apt to be dispelled ruinously in the white light and arid heights of the Court of Appeal.

You may perceive in all this a further field where the hapless solicitor may, without fault, fail to produce pleasing results.

It is worth pointing out that, in one important respect, the community has itself added to its own burden, while complaining that it is lawyer-ridden. The law has for centuries, under the Statutes of Distribution, provided what is, in effect, a plain intelligible will suit-

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able to the circumstances and duties of the average man. And it is to be noted that—except where the archaism of dower intrudes—this division is an immediate and final one. Testators and property owners, however, have never resisted the temptation to play the part of special Providence after their decease, and hence the universal practice by which the dead hand controls property for generation after generation. It is the whole breed of trusts and settlements and strict entails which has riveted the country lawyer on to the back of the landed gentry, so that a man dare scarcely let a field or fell a tree without consultations with the family solicitor.

Withal, however, it must be admitted that there are instances in which the hand of the lawyer presses heavily. It is not good for any man that he should have the power of levying his fees upon those whose goodwill or custom it is not important for him to retain.

For instance. You are a shopkeeper, and sell your business. You desire to transfer the lease to the buyer. You write to the

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landlord for permission, and are referred to a solicitor who is a stranger to you. You are surprised at the formalities in connection with the preparation of the necessary license, and dismayed at having to pay two guineas for it. This sum would provide your daily paper for a year, or make you a member of a library or a club, or take you to the seaside for a week-end. Money, however, does not go far in a solicitor's office. And then, when you have got your license, the purchaser complains that he has to pay another guinea to the same solicitor for registering the assignment in the interests of the landlord.

Little things like this infuse into the ordinary man a prejudice against solicitors. When a man once conceives himself to have been stung by a solicitor, it is an inflamed countenance he turns towards them for the rest of his days.

To take another instance. Suppose you have a mortgage on your house. You find that between you and the lender there bobs up the lender's solicitor with disagreeable persistency. Sometimes, one

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regrets to say, you will find it expedient to adopt the lender's solicitor as your own if you wish for anything like continuity about that mortgage. You call to say you are in a position to pay it off. The solicitor informs you that the lender is entitled to six months' notice to pay off, or else the equivalent in interest. Naturally, you decide to wait for that period, and at the end of it are amazed to find that (with other costs) you must pay 10s. for the interview in question, and another 3s. 6d. for the letter addressed to the lender by his solicitor informing him how sternly his rights were upheld. You engraft that six months' rule upon your mind, and later are struck dumb to find that, while a lender is entitled to that period "to find another security" (ask any intelligent stockholder as to the necessity for that!) the borrower, in virtue of what is called the personal covenant to repay, cannot rely upon as many weeks in which to essay the infinitely more difficult task of finding another fund.

Most of the land in England is under

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mortgage, they say. It is wonderful that no champion of the public has ever written on "the tyranny of the mortgage." If he ever does, be sure the solicitor will not be spared.

Then there is the dreary debt-collecting side of the solicitor's work. The vast majority of actions at law brought every year are undefended—that is to say, they are actions in respect of debts not disputed, but unpaid for the reason that the defendants have not the means wherewith to settle them. It stands to reason that the man who cannot pay the amount of his debt feels severely the pinch of the additional payment which falls upon him by reason of these actions. Such costs have to be paid, and they are extracted, sometimes painfully, from the unfortunate debtor, who thereupon bears a grudge against the solicitor instead of aiming his futile protest at the social system in which he has been found a defaulter.

It will be seen, therefore, that the solicitor's lot is not a happy one. He is the scapegoat of the law, on whom is vented

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the wrath of everyone bruised by its ponderous machinery. Yet his numbers do not decrease. The clerk's son becomes a schoolmaster, the schoolmaster's son becomes a doctor, the doctor's son goes to the Bar, the barrister's son enters the Church, the clergyman's son goes into the Army or the Navy—or to the devil. But the solicitor's son always goes into his father's office.

From which you may draw your own conclusions.

Wiles of the Jerry-Builder

PLEASE observe these are not my experiences or my sentiments. They are the words of Martin Sapcote, of Dalston, *alias* Steven Martin, of Harlesden, builder, *alias* Martineau and Co., of West Ham, builders, *alias* Prebble and Martin, of Hastings, builders and contractors. Mr. Sapcote, sailing once more under patronymic colours, is now a joiner out of a job. He has recently learned, in a very uncomfortable fashion, that to obtain credit for £20, without disclosing that you are an undischarged bankrupt, is a misdemeanour punishable with imprisonment for a period not exceeding two years. He rejoined his fellow-creatures yesterday, and finds, I think, renewed zest in the pleasures of conversation. I should be sorry to think or to suggest that he is typical of his ancient and honourable trade ; but there are enough of him to make it worth while to report his experiences. You

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must imagine him a stocky little man, red-faced, and with a twinkle in his eye.

All I did was to take notes and pay for the beer.

“To speak candidly,” said Mr. Sapcote, “I am not a skilled, scientific builder; I have not done contract work—no cathedrals, churches, and such-like. There will be no enduring monuments of my work when I have passed away, for men to point at and say, ‘That’s a bit of Sapcote’s work.’ Not that sort of thing at all. What I understand is the erection of the ordinary suburban dwelling-house, from the £50 villa, down to the 8s. a week, landlord paying rates and taxes. The sort run up to be let or sold. The sort the building societies get fed up with. Structure warranted to give no anxiety for at least five years. In a word, the sort of property the jerry-builders play beggar my neighbour with all round the outer ring of London.

“I learned the business under old Perrin. I was foreman joiner on a job of his at Acton when his trouble began. I remem-

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ber the Saturday. Half-past one, and no sign of the wages. Men were just getting nasty when a lawyer's clerk came up hurriedly and paid them off, old Perrin himself drawing the wages of two bricklayers I had not heard of before, who, he explained to the clerk, had had to go home to their missuses.

"Sunday afternoon, round comes Perrin to my rooms smoking a cigar, and takes tea with the wife and me.

" 'You been my foreman, Sapcote, for some years,' says he. 'Now I'm going to put you in the way of starting for yourself, and I'll be *your* foreman,' says he.

"Next week he introduces me to Messrs. Smirk, Wriggle and Twist, of Bedford Row. They sent me on to the surveyor, references were passed—here Perrin proved a surprising friend in need—and the contract signed. Within three weeks we had the footings on my job, and the merchants' travellers were clustering round asking for Mr. Sapcote. Sometimes they would see him, but more often they saw his foreman—old Perrin, in a flannel shirt, and his side

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whiskers gone—a quite altered character, you believe me.

“What about plant? Well, you don’t really want much. Some ladders and planks, perhaps. Perrin’s sister-in-law had a mortar mill—a curious bit of property for a lady, it seemed to me at the time, though I understood later how it was. Scaffolding? Well, scaffolding in the speculating building trade is like umbrellas in the cloakroom of a gentlemen’s club—a sort of property by itself, here to-day and gone to-morrow. What with borrowing and hiring, and executions, and auctions, and the freeholder claiming everything, to say nothing of what’s done in the night on the job when there’s no watchman, there’s no safe reckoning on scaffolding. What it comes to is that the builder who knows his trade generally has what scaffolding is necessary, without much trouble or expense.

“About the building agreements? Oh, I never troubled to read them. Perrin used to say they are all alike. Ninety-nine years’ lease, six months’ peppercorn, ground-rent £5—thirty shillings improve—advances up

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to 70 per cent, surveyor 2 per cent on the certificates, solicitors 3 per cent for finance ; leases, plans, abstracts of title, and conveyances on sale, all extra. Right to the freeholder in almost any event to step in and collar everything. Think the agreement somewhat exacting ? No ; I don't.

“ Of course, at the public examination you always attribute it to ‘excessive law charges,’ but really the financier and the builder understand each other very well. The builder starts with nothing to lose. What he wants is a run for the money and a good weekly wage without being a journeyman. What the financier wants is to get his land covered without having to give the orders for the goods. *Quicquid plantatur solo, solo cedit*. I learned that bit of Latin in a county court where a freeholder was sued for doors and window-frames, and I was called as a witness for the defence to produce invoices and show to whom credit was given. Yes, the builder may call the financier and his solicitors cunning and extortionate, and they may call him pigheaded and incompetent. That's

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for the benefit of the court, and to appease creditors. Privately a better understanding usually prevails, and it's more than one friendly fiver I've had on the quiet during the investigation of affairs, and while the Official Receiver or the trustee has been nosing about.

"Builders' merchants trustful? Very! Bricks and timber, slates and cement—they almost throw them at you. Ironmongery and earthenware come easy enough. Lead and glass sometimes—but not often—are a bit difficult to get. At least, that is my experience.

"Mind you, it's a trade that calls for a bit of skill. There's the district surveyor, for instance. It's his duty to be up to all the tricks of the builder. But then it's the builder's pride to be up to the district surveyor, so the honours are about easy. I have known grates and baths and sinks moved from house to house in a marvellous way. I have known drains nicely laid, ready for inspection, passed, and closed up, only to be opened again for the removal of traps and gullies serviceable for a future

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occasion. I have known mortar for show, and mortar—concealed by a bit of plank-ing—for use. Wonderful what you can make mortar of, if put to it. And when the pointing's done, no one is the wiser till the stuff dries, and the dust blows away and the bricks fall loose—about the time the mortgagee is trying to sell the house.

“What I do pride myself on is an ability to dispose of my houses. Fine Sunday afternoons are the time. You put on a bowler hat, black coat, flower in your button-hole, cigar in your mouth, and stroll down the road, leaving the doors of the houses open. Presently the young couples come peering about. City clerks mostly—innocent-like, but full of that confidence a young fellow feels when there's a girl with him hanging on to every word he lets fall. You accost them civilly as they come out. No, the house is not to be let, but can be bought on very easy terms. Will they turn back and look over it again with you? Not very critical, you find them. Tell the young woman she can choose all the wall-papers, and she'll not bother about 4½-inch

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walls and the wastefulness of the kitchen range. And the young chap measuring the bit of garden, crazy to try his hand at lettuces and spring onions, with a vision of her handing him the new watering-can or at the door calling him in to his supper.

“So, you see, there’s no real difficulty about getting a willing purchaser, and then it’s only a question of easing him over the finance. Ten pounds is all he’s got, after allowing for furniture and the cost of the wedding. Nice sum for a bicycle, but not much towards the cost of a house, you think? Wait a bit. His girl not liking business on a Sunday, he arranges to call on Monday after office hours.

“So he calls on Monday with the ten sovereigns. £200 is what Messrs. Smirk and Co. want before they grant the lease. I whisper a secret to him, and presently he goes off with a contract in his pocket for the purchase of the house at the price of £235, and a receipt for a deposit of £35. The Building Society will lend him £200 on mortgage of the house, so long as they are satisfied there is a ‘margin.’ So we

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fix up that margin over the deposit—a friendly understanding between him and me.

“Not another drop, thank you, sir. I’m afraid I’ve been talking very freely. My plans for the future? Well, being debarred at present from a job on my own, I have thought of a plumber that worked for me down West Ham way. He has just married a housemaid with £100 in the savings bank. I think of getting him started under a building agreement at Dulwich—me helping him as foreman.”

Chancery and the Trustee

THE Chancery Division is the reformed rake of our judicial system. Time was when its very touch spelled ruin ; when its practitioners waxed fat upon infants' and lunatics' and administered estates generally ; when equity lawyers of fathomless learning made broad their phylacteries at the cost of decaying houses, ruined lands, melting funds ; when babies were born into Chancery suits, lived under their shadow, and escaped only by dying out of them ; when beggared litigants haunted the court through endless processes, and watched hopelessly the attenuations and subtleties which clogged the cumbrous machine.

“Suffer any wrong that can be done you rather than come here.” Such was the warning uttered only fifty years ago by one who had studied the dreadful institution.

To the lay mind the distinction between

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equity and common law has always been, and is probably fated to remain, a mystery. It is a matter of principles and history confusedly interwoven, upon which even lawyers cannot usually manage to make themselves clear.

The Court of Chancery itself, unfortunately, has acquired a reputation which strikes horror into the unsophisticated mind; but the word "equity" has a pleasant sound to the natural ear. The commonest conception of equity is that of a region wherein those elements of emotion and personal feeling which lie at the back even of the driest litigation can find vent, and wherein is dispensed a beautiful justice regardless of precedent or technicality. Not even experience of the unreformed Court of Chancery managed to dispel that sanguine impression. A more cultured popular idea is that equity arose as a sort of enlightened jurisdiction mitigating the harshness and narrowness of the earlier common law dispensation, and that about the time of the opening of the present Law Courts a sort of pentecostal descent

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took place, whereby the bright light of equity was henceforth to illuminate equally all courts of justice.

Leave lawyers to decide amongst themselves the precise virtue to be attributed to the Judicature Acts. The fact remains that, since that time, the Chancery Division has never looked back. It has jettisoned its refinements, its technicalities, and its excrescences—to poison the sharks and the conger eels.

“My lord,” said counsel, when it was hinted that his confused and hopeless cause was wasting the time of the court, “this is a case where we must search for the equity.”

“Don’t you think,” insinuated the rare and lamented Bowen, “that is rather like a blind man at midnight in a dark room searching for a black hat that isn’t there ? ”

We live in a day when the well-advised litigant, aiming at certainty and dispatch, will actually limit and distort the form of his action, so as to bring it into conformity with the class of work allocated to the Chancery Division. Take action on the

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common law side, and you may find yourself bucketed about from master to master and from judge to judge till your feelings are like those of the legendary parrot in the bag of nails. And there may be a period of anything from a year to two years before trial, during which your sense of injury and desire for justice die out. You are apt to become a member of the peace-at-any-price party, until your solicitor conveys the significant intelligence that, on the principle of "double or quits," it will be advisable *now* to go on and take your chance rather than to drop the action.

It is not, however, all actions that can be brought on the Chancery side. That division continues mainly its old line of business, and prominent in that is its control and supervision of all that comes under the heading of "Trust."

Why men consent to be trustees remains a mystery. Exalted altruism is a rare virtue, found only in exceptional cases; and it is from the mass of sober, unremarkable men that trustees are mostly selected. An inability to say "No" doubtless has

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slain its thousands. The sense of importance conferred by the office of trustee, and the opportunity of a voice in the affairs of others, afford motives perhaps sufficient for the average man, and, if not lofty ones, at all events are not incompatible with an honest determination to carry out trusts.

Now, "Equity ever loves a trust"; but the trustee it has chastised with scorpions. Why, in its inscrutable wisdom, the law has chosen to apply a stricter code to the unpaid trustee than it does to the well-paid director—who also handles other people's money—would be an interesting, but perhaps unprofitable, inquiry. The law requires of a trustee a precise observance of his trust; it applies to him a high standard of diligence; it makes it almost impossible for him to contract with his beneficiary, and quite impossible for him to make a profit out of him. It is difficult to see why these rules should not apply with equal fullness to directors. The law requires an unpaid trustee to be acquainted with the details of his trust, and assumes

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in him knowledge and intelligence to perform it. There seems no reason why a director who is paid should not, in like manner, be obliged to understand his work and to take pains about it.

Chancery applies so high a standard to trustees that its fist sometimes comes down with tremendous force upon morally innocent men. Indeed, in these latter days this has been recognised, for in 1896 there crept into an Act of Parliament a remarkable provision designed to relieve trustees from the consequences of breach of trust where they have acted honestly and reasonably "and ought fairly to be excused."

The clause in question, or rather the sentiment that lies at the back of it, is one to make a lawyer's hair stand on end. Not that that matters. But it may prove—and, indeed, before now has proved—a false friend to the class it is intended to benefit.

Consider it for a moment. What is a "reasonable" breach of trust? A trust more honoured in the breach than the observance? Are trustees to improve on

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the testator's intentions ? If the breach is reasonable, it would seem that the trust itself may be unreasonable. It may almost be the duty of the trustee to break the bonds imposed upon him. Is the court going to assist him to amplify short-sighted and unskilful settlements, to curb the eccentricities and extravagances of testators ? Are the difficulties of investing trust moneys to be considered and the importunities of widows to prevail ?

Decisions have shown that the clause is dangerous to rely upon, and it certainly removes trustees from the firm, if rocky, ground upon which hitherto they have stood. It may be used as a lever in the hands of beneficiaries, operating most effectually in the case of soft-hearted trustees. Hitherto the will or settlement has been the trustee's bulwark. No need to discuss the merits of a projected breach of trust. To all arguments, eloquence, and entreaty there has always been the simple and conclusive "*non possumus*."

But now : Picture the widow scantily provided for, and with children of tender

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years. It cannot be necessary, it is urged, to realise those remunerative leasehold properties and industrial investments left by the deceased husband. The will was made before he acquired them, and a re-investment in authorised securities with diminished returns will mean breaking up the home and loss of social position. Surely, it is argued, that is the very state of things contemplated by the section. Benevolent trustees acquiesce. Time rolls on. The places of the infants are quietly filled by trustees of marriage settlements and by insurance companies holding charges upon reversionary interests. A long-gathering storm bursts in connection with the winding up of the trust. The section is judicially expounded as not applicable, in the circumstances, to the retention of wasting securities, and at the last, to borrow a phrase of the late R. L. Stevenson, some bland old bird is knocked over in his back garden and his family reduced to beggary.

The ways of equity are still winding, thorny paths, and they are whitened with the bones of honest, thick-headed trustees.

Consulting a Solicitor

WHATEVER may be said about a solicitor's occupation, no one truthfully can call it monotonous. You can be gloomy and call him a necessary evil, or spiteful and refer to his devastating activities, or sarcastic and speak of him as a costly luxury ; but you cannot pity him by saying that his profession is a dull one.

" Mr. Jones to see you, sir," announces the clerk. Mr. Jones follows. You inquire after his health, comment on the weather, and bid him be seated.

Mr. Jones may want to sell his house, to divorce his wife, to file his petition, or to know his position as endorser of a matured bill of exchange. You cannot tell until he opens his mouth. His business may be an everyday transaction which can safely be handed on to a clerk ; or it may involve some nice, sharp quillet of law which means a hurried visit to counsel as soon as Mr.

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Jones, soothed and assured for the time being, has gone on his way. Lawyers, like doctors, soon learn to play for time ; it is the more youthful of both professions who are ready to commit themselves to an exact diagnosis in the early stages of a case.

The solicitor sits in his office professing knowledge of the law—not of any department of it, but of the whole unwieldy mass. He is licensed to expound it, and to take fees for doing so. He rarely specialises. He is prepared to take on all comers. *Ut veniant omnes*. So Mr. Jones sits on the other side of the table and fires his shot.

He may not use weapons of precision, but consider the exposed area ! Equity and common law and statute law ; laws of the sea and laws of the land, property law, mercantile law, patent law, marital law. Obsolete laws to trip you, reversed decisions to mislead you, amendments to confuse you ; and, even while you are speaking, thirty-one judges sitting in the Supreme Court or perambulating the circuits, elaborating, refining, and distinguishing their own judgments.

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English law is not a system : it is a growth—an amorphous, blind growth. There is excuse for a layman describing it as a fortuitous concourse of atoms, a coil of serpents in a basket, a welter of eels in a tub.

A solicitor never knows what he may not be asked to advise upon. Poor humanity often feels a pain without knowing where to look for a remedy. There is a type of man who will consult his clergyman about his business troubles, his doctor about his investments, and his solicitor if he suspects the accuracy of the gas meter. This writer's professional experience has ranged from a request that he would personally eject a defiant and drunken gardener, to an invitation to pronounce dogmatically upon the credentials of the Book of Ecclesiastes.

Clients, in fact, are, in their natures and their requirements, as diversified as are the laws with which fate compels them to grapple. There is, for instance, the gentleman from the rural districts. He usually calls accompanied by his wife. Without venturing too far upon what is in these

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days perilous ground, testimony may be borne to the fact that there are men, compendiously to be described as the salt of the earth, who still place implicit reliance upon the intuition of their spouses even in matters wholly alien to the excellent ladies' training and modes of thought. These clients sometimes bring little propitiatory gifts of tomatoes, strawberries, or fresh eggs. After the first compliments, the lady will sit silent—struck dumb, probably, by her dirty surroundings and the crying need for hot water and strong soap; forming unutterable opinions as to the abilities of the office-cleaner. She may, however, be relied upon to ask at the right moment what it is all going to cost, and her comments when they leave are, one fancies, not devoid of a certain acumen.

There is the gentleman buying a property, who also, before instructing you, wishes to know the cost. Be not misled by that artless inquiry. He probably knows exactly what the scale charges are, and has obtained, or endeavoured to obtain, from two or three other solicitors a tender for the busi-

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ness. This man's view as to the work and responsibility involved often render a bland and professional manner difficult to maintain. There is the gentleman who regards litigation as a speculation to be shared in by the solicitor, and is obtuse to the necessity of paying fees to counsel until it is seen how the matter turns out. There is the merchant, whose account is disputed, who cannot understand—and small blame to him—why the settlement of a question of £100 should take eighteen months and involve four times that amount in costs. There is the luckless lady whose encounter with the trustee of an insolvent builder involves the very point for the settlement of which by the House of Lords the textbook writers have been waiting for years. There is litigation based upon obstinacy, and litigation with hate and malice at the bottom of it. There are suits which are a prolonged bluff exposed only on the day of trial, and there are suits which beggar a man and suck the life and energy and strength out of him.

English law, it is said, is the best and

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the most expensive in the world. Well, that is not the only matter wherein those two adjectives are correlative. Cheap and nasty are also often bracketed together in human affairs. Be that as it may, one finds, as a rule, that it is the heaviest and the lightest craft that best weather the storms of litigation. The big companies, the county councils, the societies, and the federations—they are the leviathans who roll and wallow and toss through the courts with splendid array of counsel. And the light craft—the parties who deal in libels, conspiracies, blackmail, divorce, breach of promise, who supply copy for the evening papers—they mainly get what they expect and what they deserve. And if, sometimes, those who are out for wool come home shorn—well, it is sad, but this old world presents many problems over which the tear of pity can better and more appropriately be shed.

But, for the mass of sober citizens, litigation is a hazardous sport ; the game is too strenuous and the play too high. *Ce n'est que le premier pas qui coûte.* Litigation,

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like matrimony, is a conspicuous exception to that proverb. In both, the first step is almost the only one the cost of which is trivial. What is a writ of summons? A junior clerk can issue it in five minutes at the cost of half a sovereign. It is the trumpet blast that preludes the stormy symphony. For the plaintiff it is just the opening move—pawn to king's iv. For the defendant it may be a "casement opening on the foam of perilous seas." Let us hope that three lines and a marginal reference in a text-book is a form of immortality consoling to the parties who pay for the great battles of the law.

Lawyers see the worst side of human nature, and thereby become soured and cynical—so people say. Well; yes, and no. Men deceive their pastors—from shame; and they lie to their doctors—from fright; but they are usually quite candid with their legal advisers. Perhaps for no very flattering reason. "Thou thoughtest that I was altogether such an one as thyself," many a solicitor must have thought, if he has not said, as he has received the unashamed

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instructions and learned the desires of his client.

Yet, taking a wider view, there is not much room for a bitter opinion of mankind :

“ We are not dealing with magnificent creatures such as one sees in ideal paintings and splendid sculptures. We are dealing with hot-eared, ill-kept people who are liable to indigestion, baldness, corpulence and fluctuating tempers ; who are pitiful and weak and vain and touchy almost beyond measure, and very naughty and intemperate, who have, alas ! to be bound over to be in any degree faithful and just to one another.”

So has Mr. H. G. Wells described his fellow-creatures. One cannot help admiring him, not only for his insight and force of style, but for the candour which impels him to express such an opinion of the raw material upon which he and his co-workers hope to impose the difficult standards of the new Socialism.

In truth, the present system of competition and strife is a sore enough test for the average man. It is a sobering experience

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to watch and consider the great centripetal movement which, once in every twenty-four hours, flings millions of hot, dusty, eager little men into this great London, each one intent on turning his ninepence into a shilling.

“I only want my legal rights.”

How often a lawyer hears those words, uttered with almost pathetic insistence. And who is any solicitor, that he should judge between that man and the community with which he must wrestle? It is he versus the world. So he bares his soul, and his desires are unrestrained and his cupidity unabashed.

“I only want my rights”; whereby he means the utmost that skill and cunning and subterfuge can attain for him.

But behind the man, mean and repellent as he may be, there are—as likely as not—others dependent upon his wrestling. He may have just enough ability and foothold to keep his head above stream. He may have bad health so that the Life Assurance Societies shake their heads at him, and he wakes, sometimes, in the small

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hours in a sort of frenzy, thinking that he may drop out of this bustling world, leaving his womenkind to the mercies of the community. Small wonder that he wants his rights. His debtor urges :

“I am ill and my business shrinks, and I cannot pay what I owe”: to which he replies, “If you do not pay, my children and I may hunger.”

It may mean submersion for one or the other of them. So the creditor presses, and the solicitors are the hammer and anvil to beat out the ugly business.

Solicitors are not philanthropists, neither are they moralists. Yet sometimes they may associate themselves with these higher types of men in thinking *tout comprendre, c'est tout pardonner*.

The Valley of the Shadow

MY own acquaintance with Mrs. Mathers scarcely extended beyond an almost daily encounter along the interminable Holland Road. A frail figure, huddled in the bath-chair; a quaint bonnet, trimmed with lilac blossom which bobbed and nodded with ghastly mockery round the yellow, wizened old face; a stertorous, bulbous-eyed, over-fed spaniel tucked in beside her, which gurgled and snorted defiance at passers-by. So the little cortège would crawl along on the sunny side of the road.

I did her a trifling service one day: retrieved the fat spaniel which had spilled out of the bath-chair, unnoticed by the deaf and gloomy person who pulled in front and was plodding ahead altogether regardless of the old lady's cries of distress. Thereafter they travelled with an emergency string tied to the left arm of the attendant, and Mrs. Mathers would

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pull him up while we exchanged a polite word as to the brightness, or—as it might be—the coldness, of the day. I missed her for some months, and then, one day when the March wind was chasing the dust along the grim, grey road, a hearse and brougham standing in front of the shuttered house told me that the overdue, but inevitable, ending had come to the tired old woman. A stoutish man and a prim-looking woman, both more than middle-aged, stepped into the brougham, and the black horses moved off in their staid, business-like way. It was as if I had chanced to witness the last stage—the quiet ending—of a long journey.

Within twenty-four hours there had happened in that house the thing which brought crowds to gaze curiously at its darkened windows, and which has kept it empty and desolate for nigh on a quarter of a century. Janet Platt served her time, was discharged, and died “professing religion” more than two years ago, and there is no reason why I should not tell the tale. It is an unlovely story of money

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and loneliness, of helplessness and cupidity, of plot and crime. But it points a moral, and that is, perhaps, sufficient reason for telling it.

* * * * *

The stone in Brompton Cemetery records the fact that the old lady departed this life on 9th March, 1889, "aged 93," so that she had been born in the reign of that dull-witted and obstinate monarch who muddled away the American colonies, and was a child when the menace of Napoleon bestrode Europe. It requires a little imagination to realise what span a really long life covers. We call sixty old, we call seventy old, we call ninety old. Yet ninety is almost a life upon a life. Babies born when Mrs. Mathers was "old" were middle-aged fathers of families before she died. Republics had been formed, had attained fullness of maturity, had burst and scattered, had reformed and again disappeared within the limits of that single life. Politicians had sprung into prominence, attained power, and relapsed into obscurity within periods

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which meant a few decades only of the more monotonous stage of her long life. Science, philosophy, and research had altered, and realtered, the very foundations of life, conduct, and religion. Not that these things had affected Mrs. Mathers in any noticeable degree. Like most middle-class women of that period, her interests had always ranged within a very narrow compass, and all outside was but as the sound of the distant sea. It is necessary to recall briefly the few incidents which had marked her life. There had been a first husband who had left her money, and a memory—a slowly fading memory—of kindly and considerate treatment. There had been a child, of whom the vague recollection clung round a coloured daguerreotype—portraying an infant with bare arms and neck, clad in pink, and with high forehead and melancholy eyes—hung in the faded and obsolete drawing-room. There had been thirty years of Mr. Mathers—a rough, unfeeling brute who had desired her money, and who died having doubled that for which he

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had married her, and having also stamped out the last spark of spirit or independence in Mrs. Mathers. And then began a second widowhood which was to last forty years.

You must picture her, a rather forlorn and crushed person, without interests, without friends, without relations, without any reason for living except that a careless Providence had endowed her with a constitution wound up to go for a century. The lawyers were kind, placed her money in the Funds, and explained to her bewildered mind that there was no need to deny herself anything—that money would pour itself automatically into her bank account four times a year. Janet Platt, who, for some years, had stiffly and rigorously performed the duties of upper housemaid, doffed a cap, donned a black alpaca apron and, under the courtesy title of “Mrs.” Platt, became housekeeper and relieved her of keys and responsibility. Then, when a baseless alarm of burglars had awakened Mrs. Mathers to the necessity of having “a man in the house,” James Peevor, coach-

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man, gardener, day butler, useful man about—call him what you will—took up residence in the house, assumed a black tie and tail coat, and became—well, it was scarcely defined, but people who wished to please him discovered that he liked best to be referred to as the steward.

Really, for a bereaved and elderly woman, Mrs. Mathers might have been accounted fortunate. Plenty of money, no cares, no responsibility; all she had to do was to pass the time. Yet forty years is a great burden of time to pass—particularly without friends and relations. Relations she had none, and as for friends, Mr. Mathers had made none himself and had long ago estranged any of hers. She was so lonely, and for so long was lonely, that she but vaguely realised what loneliness was. She knitted, arranged flowers, “tidied” things, drove in the park, and petted her spaniel. She grew increasingly fond of the spaniel.

So you must imagine Mrs. Mathers passing the time—spending the long, lean, unprofitable hours. Ten years passed,

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during which England experienced the humiliation of the Crimea and the tragedy of the Indian Mutiny. For Mrs. Mathers they were marked only by the death of the spaniel, by tears shed over him, and by the gradual replacement in her affections effected by a succeeding spaniel. Ten more years passed, during which the meteor of Disraeli shot high in the political firmament. As regards Mrs. Mathers, that was the time when the vicar fell into disfavour and had to cease his visits because of his uncompromising views as to a hereafter for animals. His religious ministrations were undertaken by a minister, introduced by Mr. Peevor, whose sect held views on the subject comforting to Mrs. Mathers' heart. Yet another ten years passed, marked for Europe by the rise of the great German Empire. For Mrs. Mathers they meant a growing chilliness, necessitating higher temperatures in the rooms, more hours in bed, less solid food, trouble with her eyesight, and little eccentricities in conduct and speech which rather puzzled her attendants.

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And the thirty years stood for another thing also. They saw the end of the time during which Janet Platt and James Peevor watched each other with enmity and unceasing vigilance, and the beginning of the years when a very full and perfect understanding reigned between them. But for Mrs. Mathers, who recked nothing either of the feud or the compact, this, naturally, was not a thing that counted in the troublesome business of passing the time. Neither was she likely to notice that the two old servants had gradually become the arbiters and disposers of her affairs, her movements, her household, and her very existence.

* * * * *

Mr. Peevor was sipping hot brandy-and-water in his snuggery—a room which under-servants did ~~were~~ to remember to refer to as “the office”—when Mrs. Platt tapped at the door, entered, closed it carefully, and sat down.

“Well?” said she.

“I’ve seen the will,” said Mr. Peevor.
“She thought old Wodderspoon wouldn’t

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send it, but I told her he'd have to if she wrote and demanded it. Like to know what it says ? ”

“ Of course,” said Mrs. Platt.

“ £100 for ‘ my faithful steward James Peevor,’ and the portrait of her first husband. You get £100 and her wardrobe.”

Mrs. Platt laughed.

“ And who gets everything ? ”

Mr. Peevor waved his pipe vaguely.

“ Animals, hospitals, cripples, children—stuff like that—with old Wodderspoon as executor to see it all carried out.”

Mrs. Platt’s lips pursed viciously.

“ I hope you don’t mean to waste time about doing something ? ”

“ Not much,” replied ~~Mr. Peevor~~. “ I had a long talk with her before you took her up to bed. She’s been very quiet and reasonable all day. We’re going to have the séance to-morrow. She quite sees that she wants advice, and that there’s no one who can so rightly give it to her as her husband’s spirit.”

“ You never done that ? ” said Mrs. Platt, admiringly.

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"I did," said Mr. Peevor, complacently. "She's a bit nervous lest Mr. Mathers' spirit should put in an appearance—says she wouldn't have him called up on any account—but she's quite set on seeing her first husband, though, curiously enough, she keeps forgetting his name."

"Who's going to work the thing?" inquired Mrs. Platt.

"Lemuel, of course," replied Mr. Peevor.

"I didn't know he was a medium."

"I've told you before Lemuel's a good deal more than a lawyer's clerk. He's knocked about and seen life. He was a solicitor himself once."

"You don't feel any doubt, then, about the spirit appearing and being recognised by the old lady?" inquired Platt.

"Not a bit," said Mr. Peevor, cheerfully; "Lemuel says he has done it under far more difficult circumstances."

* * * * *

It is one of the impish perversities of human life that fortune and misfortune should be so oddly jumbled together—that Fate will smile upon you and smack you

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in the face almost at the same instant. There is such a thing as a run of good luck, of course, or a run of bad luck ; but the common experience is that you must expect capricious alterations—to be caught in a shower just when you rely on the sunshine, or to be patted and scratched at the same moment.

Mr. Peevor had passed successfully through a week of the most delicate manœuvres, the most difficult negotiations, the most imperative calls for tact, diplomacy, firmness, and sympathy which a man can be called upon to encounter. A supernatural visitation had occurred in Holland Road ; ghostly counsel had been given, aged nerves had been soothed, and composure restored ; the necessity for action had been kept prominent, documents had been prepared, a difficulty about witnesses overcome, Mr. Lemuel's fees — present and prospective — agreed without rupture of friendly feelings, and the sealed envelope deposited in the safe in the steward's office. And then for Mr. Peevor to be discomfited by an interview

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with Mr. Wodderspoon and to have to walk home with little chills running up and down his spinal column!

The thing had happened this wise. There had been occasion for Mr. Peevor to call at Mr. Wodderspoon's office for an old lease. Business for Mrs. Mathers had become a rare thing in Mr. Wodderspoon's office. Most of her business Mr. Peevor considered himself—and indeed was—quite capable of transacting for her. Mr. Peevor's call took place about ten days after the letter above alluded to, in response to which the will had been sent, and instead of being attended to by a clerk, Mr. Peevor, to his surprise, was shown into Mr. Wodderspoon's room. That gentleman spoke cordially, but eyed him keenly. He inquired carefully after Mrs. Mathers, and referred to the will.

"I hope she is preserving that document, Peevor. You are an old and faithful servant of hers, so I can speak quite freely to you. That will was made after full consideration consequent upon the death of her late husband, and is, I am

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convinced, a fair and proper disposition in view of her unfortunate lack of relations. I hope that, at her advanced age and with failing faculties, your mistress will not attempt any alteration of it. It might, I am afraid, lead to trouble and complication, and it would be my duty as executor to take steps."

Mr. Wodderspoon's voice was even and pleasant, but there was a look in his eyes which recurred with disagreeable persistence to Mr. Peevor's mind. He decided to see Lemuel and take a little further advice.

* * * * *

Once again the steward's room, which the convivially minded Lemuel persisted, without any encouragement, in referring to as the snuggery. In view of difficult and delicate business successfully negotiated, it had been arranged that Mr. Lemuel and the parties interested should drink a glass of wine together. Mr. Peevor alone seemed out of harmony with the spirit of the occasion.

"I like this '81 Clicquot," said Mr.

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Lemuel, eyeing his glass sideways and upwards after the approved manner. "Some say it's too dry, and others are for keeping it a bit. But I've always wished I'd bought more when it was to be got at sixty-five shillings. I've always said that it's——"

Someone knocked at the door.

"I said I didn't wish to be disturbed. Who's that?" called Mr. Peevor.

A maid opened it and looked towards Mrs. Platt.

"Mrs. Mathers' bell is ringing," she said, and then withdrew.

"I've a good mind to let her ring," said Mrs. Platt from the easy chair. "Always worrying at inconvenient times."

A thought seemed to flit across Mr. Lemuel's countenance, and the air of festivity to vanish from him.

"If I were you, Mrs. Platt, I'd go to Mrs. Mathers—I'd go at once."

Mrs. Platt rose slowly.

"Well, of course, Mr. Lemuel, if you think so, I will."

She placed a half full wine-glass on the

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mantelpiece and disappeared. Mr. Lemuel drew to the table. There was no sign of Clicquot influence; a professional alertness seemed to encompass him.

“Now, look here, James Peevor, I’m a friend of yours—and a friend of the lady”—he indicated with his thumb the door that had closed on Mrs. Platt—“I’m going to give you one of the best bits of advice you ever had in your life. Are you listening?”—Mr. Peevor nodded that he was.—“You’ve got a little influence with Mrs. Platt, haven’t you? Yes; well, if I were you, I’d make her take that bell as a sort of Bible call. Understand what I mean? If Mrs. Platt’s sewing when the bell rings, don’t let her wait to pull the needle through, but tell her to run. If she’s dressing, don’t let her waste time looking for her gown, but tell her to be off at the double. If she’s saying her prayers, don’t let her stop to say ‘Amen,’ but tell her to be in time—and if she isn’t in time, anyway let her be the first there.”

Mr. Peevor looked aghast.

“What do you mean?” he said.

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The lawyer replied with an odd gesture of his hands.

"You don't have a trained nurse, do you?"

"No. We don't want any poking meddlers here."

"You've got your own doctor in attendance now, haven't you?"

"Yes. Her old doctor couldn't cure her headaches, and I found her someone who could stop them at once and get her a beautiful sleep."

"Quite so," said Mr. Lemuel assentingly. "And when she rings she sometimes wants a dose of his medicine?"

"Why, certainly," said Mr. Peevor.

Mr. Lemuel squared his elbows on the table and looked fixedly at his friend.

"Peevor, I've knocked about and I've seen things. I know how conclusions are jumped at. I know what juries think, and I know what judges say. And, as I'm a living man, I tell you I've known men hanged on less circumstantial evidence than you will have wrapped yourself in if the old lady flickers out without

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everything being shipshape, and without a doctor being present and ready to certify what's necessary."

Mr. Peevor burst into a perspiration, and just then Mrs. Platt returned, resuming composedly the easy chair and the half-finished glass of wine.

"Tiresome old thing," said the lady. "The fire was flickering in an odd way, and she thought she saw the Witch of Endor beckoning the spirit of Mr. Mathers out of the big wardrobe."

* * * *

About a hundred yards inland from the calm but monotonous coast line of the Round Pond, there is a convenient clump of trees where shelter from either the sun or the wind is to be found. Also green chairs. Kensington Gardens is as good a place as anywhere else for a legal consultation on a Saturday afternoon. Mr. Lemuel expounded; Mr. Peevor nodded assents or dissents, and stared moodily at the ground in front of him.

"Can't think why you should turn so uncomfortable," said Mr. Lemuel, "just

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for an idle threat from an old chap like Wodderspoon. Have you been frightening Mrs. Platt ? ”

“ I haven’t said a word to her about it, and I don’t want you to, either,” interposed Mr. Peevor, hurriedly. “ I haven’t even told her I’m meeting you this afternoon.”

“ Well, then, let’s just see where we are. It’s a very sound-looking, sensible will that’s been signed. She’s to be buried with her first husband, isn’t she ? That’s very natural, isn’t it ? And no cost worth speaking about. Then there’s a provision for the dog. That doesn’t come expensive ; dog needn’t live long. No law against poisoning dogs, is there ? There’s a little legacy for every servant indoor and outside. I explained to you what a useful provision that was. There’s a legacy of £500 to the——” He mentioned a well-known semi-religious, semi-charitable organisation. “ They never let slip a legacy for want of a fight, and they’d be a backing for you. And then there’s all the rest equally between you and Mrs.

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Platt—and you'll be a rich and happy couple for the rest of your days. Can't think what you're grouching about."

"You know well enough," retorted Mr. Peevor. "I've read up the law. Seems to me that when there's money at the back of it, the lawyers ferret about and can rake up a lot in a case of this sort, and no sympathy or good feeling at all to be expected. What did you mean the other night by saying you'd got an idea?"

"Me? I don't remember saying anything of the sort," replied Mr. Lemuel, with surprised appearance.

"You remember well enough," said Mr. Peevor. "Tuesday night wasn't the first time you'd drunk champagne—not by a lot. When the bell rang a second time, and remembering what you'd just said, I shooed Janet out of the room as if she'd been a hen. You said a fresh idea had struck you."

"Oh, yes," said Mr. Lemuel; "I remember. But it was nothing."

"Out with it," demanded Mr. Peevor, with determination.

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“It was just an idea,” said Mr. Lemuel, reluctantly; “sort of lawyer’s humorous fancy.”

Mr. Peevor looked at him insistently.

“Very well, then,” continued the legal expert. “Try and follow me. State of mind comes in a good deal in legal matters. For example, you kill a man”—Mr. Peevor started, then recovered himself—“Well, you prove you were drunk at the time. Good for you. Verdict, manslaughter—not the other thing. You’re locked in a room with a man bigger than yourself, and made to sell your land too cheap. That’s duress, which means intimidation. Court cancels the contract. Always the state of mind, you see. And so with wills—particularly with wills. Unless the dead person had sound memory, mind, and understanding, over goes the will. The law is very keen on looking into that question over wills. But there’s another department where state of mind comes in, but where the law isn’t half so particular.”

“What’s that?” asked Mr. Peevor.

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Mr. Lemuel affected interest in a small yacht, perilously overshadowed, heeling across the Pond. Mr. Peevor laid a hand on his knee.

"What's that?" he repeated.

Mr. Lemuel turned suddenly.

"Look here, Peevor. In these days an idea is the only thing a poor man gets hold of that has any value. He hasn't got capital; he hasn't got influence. He can't start a bank, nor yet discover a gold mine. Barring he gets an idea, he has got to plod on at a weekly wage and stick to his wife and feed his children, and be glad if he doesn't get the sack the first time he's laid up. The only thing that can get him out of the rut of those things is an idea. Do you wonder that men hug ideas and won't tell them to their best friends, and sometimes die in a garret and take their ideas with them into a pauper's grave? Very well. And here you come slapping me on the knee and saying, 'What is it?'"

"I'm quite willing to pay for a useful suggestion," said Mr. Peevor.

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“ Yes ; but how much, and when ? ”

“ Whatever it’s worth, and as soon as she—I mean—on a *post obit.* ”

“ My idea would be cheap at a thousand pounds.”

Mr. Peevor gazed thoughtfully at the small yacht which, having succumbed to the wind, now lay on its side and was being coerced with stones and coaxed with a long, hooked pole.

“ If I acted on the idea—mind, only if I acted on it—I wouldn’t object to paying as much as that for it.”

“ We’ll have a friendly memorandum of it, same as before,” said Mr. Lemuel, producing a small pocket-book. He scribbled in it and handed it to Mr. Peevor, who appended his signature.

“ And now let’s have the idea. You were saying there was a department where the law wasn’t over particular about state of mind. What is it ? ”

“ Matrimony,” said Mr. Lemuel. “ Most people, of any age you like, being in an unusual state of mind when that happens. Follow me carefully. The mar-

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riage of a lunatic is null and void. But between stark lunacy—and—and you and me—there's a hundred stages. And the law's very slow to upset a marriage in most of those stages. Considerations of what is called 'public policy' come in. And when one of the parties is dead, I'd defy anyone to upset a proper marriage done before a Registry Officer; I could give you chapter and verse for that. Why, a person of weak intellect who couldn't alter her will by making another will could do it any day by marrying someone—and he'd get the lot. I dare say it's been done before now. You see, marriage revokes any will that's been made, so if a woman marries and then dies without making a new will, she dies intestate, and her property goes to her next of kin."

"And who is her next of kin?" inquired Mr. Peevor.

"Her husband, of course. Him alone," replied the lawyer.

Mr. Peevor rose slowly.

"You're a very interesting man, Lemuel,

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when you get talking about the law. I am glad to have seen you and had this chat. You'd better not say anything to Mrs. Platt on the subject. Women don't understand business."

The bus deposited him at the end of Holland Road, and he let himself into the silent house. Presently he went into the deserted, faded drawing-room and stood in front of the age-blackened portrait of Mrs. Mathers' first husband.

"I wonder how I'd look in those queer long whiskers," murmured Mr. Peevor to himself.

* * * * *

It has been said that the surest bond between any two people is community of interest. Cynics declare that the success of the average matrimonial contract depends ultimately and prosaically upon that feature. It would be folly to pretend that any loftier sentiment united Mrs. Platt and Mr. Peevor in their common aims. It may also be said that the mutual watchfulness and suspicion which will characterise two people of a

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particular type who are at enmity, is only to be exceeded by the like qualities in the same persons when they happen, for their own ends, to be working in unison. Mrs. Platt was developing a certain uneasiness about Mr. Peevor. Twice she had entered the steward's room, unannounced, when Mr. Lemuel was there. Now it is the stalest device in fiction for people easily to change the subject as a door opens. In practice few things are more difficult. One person usually says something foolish upon an obviously unlikely topic; the other, in a more or less unnatural attitude, is as obviously not listening; and the plot invariably breaks down over the effort of the listener to make a natural-sounding rejoinder. Twice that had happened where Mr. Peevor and Mr. Lemuel were concerned. Then there was the slow, but somewhat startling, appearance on Mr. Peevor's face of something which, from confused unshavenness, developed into ludicrously obsolete whiskers. Coupled with a certain antique style of dress, going so far as

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the wearing of a sort of stock, instead of the necktie of decorous fashion. Also a tendency on the part of Mr. Peevor to put in more personal attendance upon Mrs. Mathers, and, strangely enough, a tendency on the part of Mrs. Mathers to desire the constant society of Mr. Peevor and to be fretful in his absence—these things all contributed to Mrs. Platt's uneasiness. Stranger still, Mr. Peevor did violence to his habits by accompanying several times the bath-chair in its perambulations. Once, indeed, to her amazement, Mrs. Platt, spying from an upper window, discerned him walking by its side, holding a mittened hand.

A codicil, disturbing an equal division, seemed a crude but possible scheme, so Mrs. Platt—who also had imbibed some legal knowledge—kept a notebook recording various details which, in an emergency, might be useful to prove that a state of mind incompatible with further testamentary dispositions had arrived. Among other trifles, she recorded two dates when Mrs. Mathers had addressed

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her steward as "Samuel," which, of course, was not Mr. Peevor's name, being, in fact, the Christian name of Mrs. Mathers' first husband.

Her observations had not reached the stage that would have justified a protest to Mr. Peevor, or a consultation with Mr. Lemuel, when Mrs. Mathers died—died with the slow, peaceful, painless, sleeping death which compensating Nature sometimes vouchsafes to those who have been burdened with many years. Just a sleep and a forgetting. No partings, no tears, no regrets—nothing but the howl of the spaniel who had claimed an unlicensed freedom by her side, and whose brute brain first saw, and alone lamented, that the end had come.

* * * * *

Mr. Peevor sat alone in his snugery. There was within him a sense of progress definitely made, of difficulties successfully encountered. He finished another glass of port, and raised the decanter to pour out a third, which was certainly natural but nevertheless unwise, for the

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most elementary instincts should have told him that at any moment the necessity for diplomacy and conciliatory behaviour—qualities eminently demanding clear-headedness — might arrive. Before he had filled his glass for the third time Janet Platt entered the room. She neither knocked, nor asked permission, nor seated herself, but stood by the table.

“I noticed a mistake in the certificate you gave to the undertaker,” said she, with an effect as of restrained breathing.

Mr. Peevor lit a cigar. Tobacco is an excellent thing for soothing the nerves. But it must be admitted that the leisurely snipping and careful lighting of a cigar at a critical moment often has exactly the opposite effect upon an impatient woman.

“What mistake?” said he.

“The name. Keziah Ann *Peevor*—instead of Mathers.”

Mr. Peevor examined, with a frown, the end of his cigar, which showed at the beginning of its course symptoms of burning down one side. He corrected the ailment with another lighted match,

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"No mistake," said he, puffing vigorously.

"James Peevor ! Look straight at me, and tell me what you mean."

Mr. Peevor gulped down his glass of wine and looked straight.

"Don't speak so loud," he said ; " I'm in mourning for my wife. I married her three weeks ago."

Mrs. Platt stared.

"Perhaps you'll explain."

Mr. Peevor told his tale in a jumbled fashion. As he watched the woman's face whiten, her eyes darken, and her mouth tighten, his utterance was impeded by the insistence of the thought that he would have done better to accept the offer of Mr. Lemuel, who, for a further one thousand pounds, had offered to break the news to her and to explain the situation. But he was in for it now, and it was easier to plunge at it in the style which port and a bullying disposition prompted.

"So the will is gone, and everything belongs to you ?" inquired Janet Platt in a low voice, leaning over the table.

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"Yes," replied Mr. Peevor; "everything belongs to me. Mind that decanter with your elbow. Remember it's mine."

There was a swift movement and a thousand fragments of glass tinkled about the fender and grate. Mr. Peevor jumped from his chair.

"Now look here. If you're going to be violent and make a fool of yourself I'll have you put out of the house. You've nothing to gain by going on this way. I'm not going to be hard on you. You shall have the £100 and the wearing apparel that was going to be left to you by the first will—laces and jewellery aren't wearing apparel, of course—and I shall make a fair provision for you, so that you need never go into service again. But I won't have tantrums. You'd best go straight to bed, and to-morrow you'll help me make the inventory that's going to be made before anybody in this house gets a character, or moves her boxes, or leaves the premises."

For one moment there seemed a prospect of violence, and James Peevor, to his

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surprise, realised that he was trembling. No doubt the strain and work of the last few days accounted for this traitorous condition of nerve and muscle.

Then, without a word, Janet Platt walked out of the room.

* * * * *

And now must anyone who has read so far defy convention and make bold incursion at unhallowed time. For needs be that we look together into the bed-chamber of Mrs. Platt, in those early hours when vice has relinquished its pursuits and even crime has slunk back to its lairs; long after the last suburban train, starting eagerly at the first permitted second has sped from the metropolis, and the last bus dragged by its wearied steeds has grumbled into its yard. It is two o'clock in the morning, as the unheeded clocks attest. Why should a virtuous housekeeper—a blameless custodian of linen and preserves—lie awake, motionless, with a million lightning thoughts chasing one another through a hot brain? Why should she clench hands and grind

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teeth together? Why should she fling over, spurn bedclothes, and twist herself into knots of impotent rage? The very floors and roof seem sunk in sleep, yet tempests of anger, of hot, tireless fury, chase each other through every nerve and fibre of her body.

The faintest of sounds reaches her. She starts up as if the trump of the last day has sounded. It is the spaniel—last of a sequence—whose habits and expectations are meeting with rude disturbance. The room in which he has always slept is cold and empty, where there should be a fire and due provision for doggy needs. The door is open, so that he wanders and whines about the silent house. Now, a woman—even a baffled and defrauded woman: even a woman of resolved intent and filled with hot hatred—cannot lie abed with a dog wandering about the house. So Mistress Platt rises and tip-toes the cold corridor. The dog runs down before her. It passes the room with the door ajar, and even the iron-nerved Janet feels relief. It runs to the

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hall and crouches, whimpering and wagging a propitiatory tail. Why have not the careless maids chained it for this first night? Someone shall be reminded to-morrow of the omission. She takes a leash from its accustomed peg on the stand; but the dog must be fastened to something. She unlocks, silently, the door of her housekeeper's room and, moving familiarly, feels for her basket and draws out a steel implement for punching holes. Back again, and the dog, delighted to have attained any company in such trying circumstances, but acutely conscious of the irregularity of its own conduct, is leashed. A hole is made in the leather, and the leash fastened with string to the bottom banister. Two rugs put together, and an admonishing pat, make it clear that it is the manifest duty of a spaniel to curl up and go to sleep.

Janet Platt ascends and, as she does so, another sound catches her ear. Her lips tighten, and the tide of fury surges back into her bosom. It is the sound of

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Mr. Peevor sunk in deep and snoring slumber; and she is outside his room. Is he so secure and blameless that he can sleep with door ajar? An almost incredible thing has happened: Janet Platt—of courtesy styled “Mrs.”—is in a man’s bedroom. She approaches the bed, and the moonlight, freed from some passing cloud, whitens the careless figure and shows Mr. Peevor in drunken sleep, his bared, hairy chest within reach of a twitching arm, which holds in its hand that useful stiletto from the work-basket.

Do you know what a spasm of blind rage is? Have you any experience of the sudden presentment of easy opportunity which sometimes coincides with suffusing hatred and shouting desire?

Servant-maids in attics, where for two nights they had cowered under bedclothes with uneasy consciousness that a dead old woman lay in a room below, awoke with a momentary belief that a scream rang through the house; then turned over with the relieving thought that the shadow of death had passed away during

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the day. What tricks imagination can play ! So they muttered drowsily to each other as they sunk back into easy slumber. But, on the floor below, Janet Platt staggered out of the steward's room, drenched with the evidence of her guilt, glutted with vengeance, and indifferent to all consequences.

* * * * *

They did not hang Janet Platt. For that let due credit be given to forensic eloquence. No one need grudge the reputation of the great criminal lawyer who dates his professional success from that trial. It was an opportunity, and even those of us who get opportunities in life do not always rise to them. It was, perhaps, fortunate from the point of view of the defence that no wreath of sympathy or pathos could be woven around the murdered man. We have not, in this country, advanced quite so far as some others have done in practical sanction of the violent and unofficial extinction of unlovely persons ; but the element of that feeling was there, and it helped Mrs.

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Platt—helped her so far that she was permitted to spend the rest of her days in penal servitude, instead of suffering the penalty which, whatever sentimental theorists may say, is the one last dread of all criminals. When the tentacles of the civil law closed around the full, ripe estate which became familiar to judges and registrars, and chancery masters and pay offices, down even to ushers and reporters, as “*re Mathers, ex parte Peevor*,” or “*re Peevor, ex parte the Attorney-General*,” Janet Platt was forgotten. Rich and complicated litigation grew luxuriously round the bones of the old lady and the steward; and whether it has ended or whether it ever will end, is more than this writer can say.

But not even “by Order of the Court” would the house let or sell. Furniture was taken away and fixtures were removed. The steps of departing workmen rang through the stripped and carpetless corridors and stairs. Then came years of emptiness, and desolation and decay. Summer suns blistered away the paint

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and warped the floor boards; winter frost and damp peeled the papers and crumbled the plaster. Empty grates rusted and woodwork mouldered; soot fell from cold chimneys; window cords rotted, and, at times, a sash-weight would thud down into its frame. Bell-wires corroded and snapped, starting a jangle which echoed from the mouldy kitchens and sent the lean mice scampering over the dusty floors. Through the unblinded windows the sunshine, trailing the shadows from west to east, marked for each day the passing of the silent hours. And at the appointed times the moonlight would creep with ghostly whiteness across the stained floor boards of the room which had witnessed the horror that had crowned a mean and sordid scheme.

An Accessory after the Fact

HYDE PARK and a hot, June Sunday morning. A hundred yards within the main northern entrance the usual crowds ; two or three preachers struggling against the difficulties of open-air worship and fluctuating congregations of Gallios ; a gentleman with heterodox medical views ; a Socialist calling for brimstone to fall upon His Majesty's ministers ; someone with a raucous voice inveighing against the Ottoman Empire, and an implacable person with a bald head demanding Home Rule for Ireland ; a policeman wandering from group to group, tolerant of anything in speech, but alert for infringement of park regulations in the matter of collections and physical encounters.

Within distant earshot of all this wasted energy, Mr. Lemuel sat under the shade of an oak tree. He glanced moodily at the faded and unshapely bowler hat which

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he nursed, from that to his soiled and ragged shirt cuffs, thence to the place where a week ago his watch-chain had spanned his waistcoat, and so down to his worn, frayed trousers and patched boots. The sky was as blue and the birds as heartlessly cheerful as if the clouded fortunes of Mr. Lemuel were of the uttermost unconcern to the world in general. He produced a pipe, filled and lit it, and then scowled at the smoke.

“Don’t believe I’ll ever forget the taste of good tobacco,” he muttered. Then he resumed his scrutiny of the advertisements in a Sunday paper. Not the “Situations Vacant,” of course: Mr. Lemuel was not so simple as that. But the queer messages compendiously grouped in the “Agony Column,” the notices of things lost or found, things wanted or to be disposed of, rewards offered, sales announced—the things, in fact, that are understood and can be made use of by a man who knows London and lives by his wits.

Not far from Mr. Lemuel and scattered

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about were several recumbent forms—black stains on the grass—mostly asleep, with faces buried on folded arms. One of these forms presently rolled over and glanced furtively at him. The furtive glance was followed by a long stare. A puzzled scrutiny was succeeded by a look of certainty, and then the sleeper rose cautiously and shambled towards the oak tree. A haggard-looking and travel-stained figure, but not badly dressed, though with a considerable rent in one trouser leg.

“James Edney?” he said in a subdued voice.

Mr. Lemuel started.

“That’s not my name. Who are you, and what do you want?”

“I want James Edney, who can be a very present help in time of trouble, as the catechism says. That mayn’t be your name here in London, but it’s the name right enough under which some people in the Argentine would be glad to hear of you. Have you forgotten the fire at the Mexican Insurance Office, and the safe with the dummy ledgers in it fished

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out of the ruins ? And have you forgotten the man who lent you a suit of clothes and shaved an uncommon stiff beard off you ? ”

“ You were paid well enough, and there are no obligations outstanding,” said Mr. Lemuel, sullenly. “ What do you want ? Do I look as if I could help anybody ? ” he added fiercely.

“ You look, like myself, a chap that’s been getting more kicks than ha’pence for a long time. You look as if there isn’t much you wouldn’t do for a ten-pound note. See them ”—he indicated contemptuously the groups towards the Marble Arch—“ packs of fools blethering away about things they don’t understand. Think of them ”—he waved a hand towards the more fashionable Hyde Park Corner—“ strutting peacocks, gorged with money, squandering it on their proud, painted women. And here’s you wanting decent food, and me just desiring a quiet spot where I can lie unbeknown for a few days, doing no harm to anybody.”

“ I’m not so low as to be wanting food,” said Mr. Lemuel.

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"Aren't you?" retorted his companion. "I wonder what there is you wouldn't do at the present moment for ten pounds?"

"Not much," admitted Mr. Lemuel, "provided there was a reasonable chance of being left safe and free to enjoy the spending of it."

"Quite so. Well now, there was a time when you paid the money and I rendered the services. This time"—there was a clink of coin from the pocket in which his hand rested—"I pay the money and you perform the services."

"What do you want?" asked Mr. Lemuel.

"A place in London where I can lie dark and quiet for a few days, a change of clothes, a razor for my moustache, and perhaps a pair of spectacles with plain glass in them. I may also want a bicycle, which is the most modest and retiring way of leaving town and little thought of."

"What have you done?" inquired Mr. Lemuel.

"You a lawyer and asking me that!

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Well, I'm surprised! I should have thought you would prefer to help a friend, without becoming what they call an accessory after the fact."

"You're right," said Mr. Lemuel, somewhat ashamedly. "Now let me think. He gazed abstractedly at the tops of the houses in Connaught Place, just visible on his horizon. "You want to lie low?"

The man nodded.

"Solitary?"

"Certainly—I've plenty to think about."

"Comfort of any importance?"

The man shook his head.

"A dog-kennel or a dust-bin would do, provided it's sure to be undisturbed."

"Right. Now what about leaving this park?"

"I can do that as soon as it's dusk."

"Very well. Be about fifty yards from the top of Holland Road—right hand side—at a quarter past ten. Take the time from St. Mary's and follow me discreetly when I pass. You have the twenty pounds in your pocket, I suppose?"

"Ten, I said."

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"And twenty is the price."

The man laughed.

"You can have fifty if you'll take it in notes. But if you think gold a healthier medium of exchange, you'll take ten because that's about all I happen to have. And, by the by, bring some ham and bread with you to-night, if it isn't a cook-shop we're going to. I'm hungry now, and there are nine hours to pass. Want something for petty disbursements? Of course; I know the law. Here's a sovereign. Leave me your newspaper: it'll help to pass the time."

Mr. Lemuel pocketed the coin and rose to go.

"Got any tobacco?" he said, producing his pouch.

The man stretched out an eager hand.

"You shall have an extra sovereign for thinking of that, James Edney."

* * * * *

In the dusk of the hot, June evening through the crowd of Sunday saunterers passed Mr. Lemuel, followed as he crossed Holland Road by an observant shadow.

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He turned by some mews, entered a dark passage, and fumbled at a tall gate. The catch gave, and with some difficulty, caused by a rank vegetable growth, he pushed the gate open sufficiently for admittance. He pressed through, the shadow glided after, and the gate was carefully closed again. They tiptoed through the riotous weeds of a small, long-neglected garden. Mr. Lemuel approached a door and applied a well-oiled key. He entered, drew his companion after him, and closed the door. Pitch darkness and a stale, musty smell surrounded them.

“Where are we?” said the man.

“In an empty house. Follow me up three steps and into a room on the right.”

The man crept as directed and followed Mr. Lemuel into a small room.

“We must have some light,” he said.

“You’re not going to be such a fool as to strike a match,” said Mr. Lemuel, hastily.

“Trust me,” said the man, tugging something from his pocket. There was

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a click, and a tiny bull's-eye of electric light focussed on to the floor. It crept to the walls and ceiling, avoiding the window, and displayed a small room, bare and dusty—empty save for some sack-ing and discoloured material for pack-ing which lay in a corner.

“A desolate looking place,” remarked the man.

“Very likely,” replied Mr. Lemuel. “There’s been some difficulty, I hear, about getting caretakers. The house has been in Chancery for fifteen years.”

“How do you come to have the key then?”

“A client of mine who lived here gave it to me one evening, so that I could slip in the next evening—same as we have done to-night—and wait in this room till he joined me for a chat. Before the next evening, however, he died—died sharp and sudden. I saw it in the papers and have had no occasion to call here until to-night. Come along; we’d better look round the house before I leave you.”

Cautiously they trod the dusty hall

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and began to ascend the stairs, guiding their steps with the stealthy pencil of light from the bull's-eye lantern.

"Hist! What's that?" said the man, clutching Mr. Lemuel's arm.

"What? Where?" whispered the latter.

"Footsteps," replied the man. The two men stood still, with ears alert.

"It was nothing," said Mr. Lemuel, after a pause. "You can always fancy footsteps in an empty old house. Come along."

They reached the landing as he spoke.

"What room is that?" said the man, flashing the light on to the handle of a bedroom door.

"That's the room my friend died in—the way I told you," replied Mr. Lemuel, "and the room next to it is where an old woman died, taking more years over it than my friend took seconds."

The man stopped.

"James Edney, have you brought me to spend the night in a house where there's been murder?"

Mr. Lemuel laughed softly.

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"You're not the nervous sort, are you? Haven't I brought you to the kind of place you asked for—solitary and not likely to be disturbed? If you don't like it, take a cab to the Métropole and change some of those bank-notes you talk about."

"Don't be a fool," replied the man; "this place'll have to do. But there's no point in wandering all over the accursed house like this. Let's—God help us, what's that?"

A rending, cracking sound was followed by a wild bell peal from the kitchens below.

Mr. Lemuel blanched, while his companion, picking up the dropped lantern, showed the barrel of a small revolver.

They stood, holding breath, as the echoing jangle died away.

Mr. Lemuel recovered himself.

"You fool! You must have trod on a broken bell wire."

His companion slowly replaced his weapon.

"Perhaps I'm a bit jumpy. We'd better tread carefully. A few more starts like

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that and I shall be all to pieces. What are we wandering about the ghastly old place like this for ? ”

“ To make sure it’s empty, and to see if we can find an old box or chair to make you more comfortable for the night.”

Room after room they crept into, only to find dust and emptiness, barred windows, and soot-crowned grates. Mr. Lemuel laughed softly.

“ Where will you camp out—cellar or attic ? It’s all the same.”

“ Ground floor,” said his companion, promptly. “ I’m in a mood to hear things. Every time we move I can fancy footsteps dogging us, and every time we stop it’s as if something was holding its breath and listening to us. I’m not going to be penned up at the top of a house and hear your client who died so sudden coming tip-tap, tip-tap up the stairs to see who I am.”

“ If you talk like that you’ll soon be in a state to see all kinds of things. Come downstairs again and eat your sandwiches ; I want to have a talk with you.

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I may as well tell you I know now what you've done."

The man started, and laid a hand inquiringly on Mr. Lemuel's arm.

"Is the old man dead?" he whispered.

"He's alive, and that's about all. And what'll be done to you if caught is according to whether he pulls through or not. The special papers are out this afternoon, and they're fairly shouting for you."

The man shuddered, and stealthily led the way down the bare, black, silent stairs.

* * * * *

The church clocks were chiming midnight as the back door leading into the neglected garden was opened cautiously. Mr. Lemuel stepped out, and the door was drawn to. He was just lifting the latch of the tall gate, when a hand was laid on his shoulder. There are moments which can age one like years, and it was a haggard, shaking Lemuel who turned at the touch of the hand. There stood his companion of a minute ago, the sweat

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running down his face. Mr. Lemuel's fear changed swiftly to anger.

"What madman's tricks are you up to? Come; we can't stand here." He led the way back, and they re-entered the house, closing the door after them. "Now, what is it?"

The man placed his back against the door and whispered:

"You'll have to stop the night with me, Edney. I won't stay in this house alone. I'll be seeing devils and dead men all night if I do. This day's been a strain on me."

"Rubbish," said Lemuel. "Let me pass. I shall be back to-morrow with the things as arranged. Are you doubting me?"

"No; of course I'm not doubting you," said the man, appealingly; then his manner changed abruptly. Out came his revolver. "I'll go mad if I stop in this ghastly house alone, and I shall be hanged if I leave it. Unless you lock that door and hand over the key to me, I'll shoot you and take my chance of getting away

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in your clothes. Now, which is it to be—fight or friendly? Come,” he added appealingly, “I don’t want to quarrel. Do what I ask: just keep me company till the light comes. You’ll be well paid. Didn’t the papers mention that I got away with the stuff? You shall share it, Edney—share it fair and equal. Come. I’ll show it to you. Diamonds, Edney, for the heart’s desire; pearls to win you women’s love; emeralds like panthers’ eyes; rubies like the red, red rose—like red, red blood.”

Mr. Lemuel turned sullenly, and felt his way to the small room.

“I wish I’d not brought you whisky,” he muttered to himself. “I’m going to spend the night with a frightened, fanciful, drunken burglar—and, I think, murderer.”

* * * * *

Mr. Lemuel sat gloomily upon the heap of sacking in the corner of the room. The other man, having removed his coat and waistcoat—for the night was sultry—lay at full length on the floor, trailing the bead

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of light from his lantern up and down the cobwebbed walls, and at times flashing it across the scowling face of his companion.

"I do not want to quarrel with you, Edney. Excuse me for calling you by that name, but you have not mentioned the name by which the waiters at your club know you. Don't scowl, man; we're in for a night together and we're both on our beam ends, and quarrelling won't make the time pass any quicker. You're doing a good turn for a client, and you're going to be paid."

"It's doing good turns for my clients that has brought me where I am," said Mr. Lemuel. "It was a good turn for a woman that got me struck off the rolls. It was a good turn for the man upstairs——"

"Never mind him," said the man, hastily.

"It was a good turn for him that made it desirable for me to take that trip out to the Argentine, leaving unpaid, and likely to remain unpaid, a big bill due to

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me for professional services rendered. And now I'm lurking in this infernal place supposed to be doing a good turn for you."

"You've had a hard time," replied the man, "and so have I; but I've not been smothered in London all my days. I've lived. I've seen the world. Lord bless you, if the end's got to come now there aren't many places I haven't seen, and there aren't many things I haven't tasted. You know London, don't you? Perhaps I don't, but I've sailed through it lordly enough, and got all I wanted many a time. What's this world for if you're not to taste and try, when and where you will. Prove all things, hold fast that which is good. I've been all over the South Sea Islands. I've seen monkeys—soft, hairy things like skinny babies—and parrots and humming birds, as common as cats here, and everlasting summer, and the life so good that thirty was old age for anyone to reach. I have lain all night on a coral beach watching the Southern Cross gleam like a jeweller's shop——"

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“Why can’t you be quiet and try to go to sleep?” said Lemuel. “You’ll need all your wits about you to-morrow.”

His companion disregarded the interruption and continued his monologue, eyes staring at the ceiling.

“I’ve trailed through the west, and heard the lovely laughter of the Indian women, lying in canoes paddled on the broad, moonlit rivers. I’ve been in the bitter north, where’ your toes drop off with cold and where an hour’s sleep is a death which seems more to be desired than life. In Asia I’ve been half crucified for a religion which it’d have taken somebody from London to explain to them I had no claim to represent. I have been in Arabia, where the women—but you’ll have read Burton; and if you haven’t, it’s no good telling you of it now. And here I am back in London full of experience, ripe in knowledge, destitute to the world, and running a race with the gallows. Think of it. Me—with the scent of it all in my nostrils, and the taste of it in my mouth. Me—financier,

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sailor, gold digger, merchant, actor, horse doctor, bookmaker—some sort of gambling, like some sort of religion, is the one thing you'll find all the world over. Me that has winked at the moon and nodded to the stars and drunk of the wine of life all over the wicked old earth. Me—to be hiding in a cellar because I've clubbed a lousy old pawnbroker in his nightshirt." The man raised the empty flask with one hand and focussed his pencil of light upon it. "The world, the flesh, and the devil—here's to them! James Edney, are you asleep?"

"I'm sick of your everlasting chatter," said Lemuel.

The man answered him hoarsely.

"I'm talking because I can't stand the silence. Don't you understand that? Hist! I can hear sounds again. What is it? Footsteps—or knocking?"

Lemuel sat up and listened. The stillness, the darkness, the sultry breathlessness of the night were such that a pin-fall would have been like a clatter of stones on a tin roof.

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"There's nothing," he said at length. "You're excited; you've eaten none of the food I brought, and you've finished the whisky in that flask. Stop talking, and try for sleep."

The man rose to his feet, flickering the light to and fro in the small room.

"I heard it again. James Edney, what is it?" He drew to Lemuel's side as he spoke. His hand shook, and his breath came fast.

Lemuel listened again—and started.

"I think it's thunder. Was ever a night so close? I can scarcely breathe."

The man crouched and cowered in the corner of the room.

"It's not thunder," he gasped; "it's—I don't know what—I believe I'm going mad."

"Nonsense! Pull yourself together, man," said Lemuel. "It's your state of mind. Here; give me the light and your pistol, and I'll explore."

"I won't part with them," quavered the man.

"Then I'll do without them," replied

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Lemuel. "There ! I heard it again. That's thunder, right enough."

Rather to Lemuel's dismay, the man grovelled on the floor, muttering what sounded like a prayer. He tiptoed to the door and cautiously opened it. With a bound the man was at his side.

"Don't leave me," he gasped.

Lemuel disengaged his hand.

"You're like a baby. I think it's only thunder and, if I'm wrong, I'm not going to wait here to be caught like a rat in a trap. Let me go."

"All right," said his companion, sullenly. "But remember, Lemuel, for the Lord's sake—for your own sake,—remember ! No pranks !" He focussed as he spoke the trembling bead of light on the shaking barrel of the revolver. "No pranks, no tricks, no dodges. I'm in a mood when I'd shoot at the falling of a leaf."

Mr. Lemuel stepped into the passage, up the few steps, and so into the larger hall beyond. Shaken as his own nerves were beginning to feel, he felt the silence and loneliness preferable to the company

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of his distraught companion. Was it possible they were not alone in the house? He opened silently the door of the big, empty drawing-room on the left, and as he did so a sound sent the blood bounding through every artery in his body.

"Thunder again!" he muttered.

Yet it sounded very like something heavy being moved in one of the rooms upstairs. He stepped back into the hall as he spoke.

"That fellow's fright is beginning to affect me. Ye gods, how hot it is! And still. Who'd think we were in crowded London?"

He crept forward, thinking to get a glimpse of reassuring surroundings through some chink in the barred front door. He paused and turned as a slight sound behind him caught his attention. There, emerging from the room at the end of the passage, and slowly approaching, was the bead of light, tracing jerky lines and circles on the dusty boards. Some fresh access of terror had sent his unnerved companion to follow him. The man's

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parting words flashed across Lemuel—"I'd shoot at the falling of a leaf." He drew swiftly and silently within the shelter of the inner door and peered fearfully. Would the lunatic make for the front door, or would the very obsession of his fright send him up the stairs past the haunted rooms of his imagination.

The bead of light flickered from side to side, and slowly approached. The man, in stockinged feet, crept noiselessly behind it, muttering ceaselessly, in an odd, disjointed whisper, as if still determined in the extremity of loneliness to keep off by speech the silence which appalled him. Lemuel strained his ears and eyes. The light flickered as the man stood for a moment in the centre of the hall. Lemuel crouched for a spring and a struggle should the next movement of the demented man involve his discovery. Then, to his relief, the shadowy form, preceded by its light, turned to the staircase.

For the first time the conviction flashed through Lemuel's mind that there was something abnormal in the atmosphere

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surrounding him : the breathless sultriness, the tense silence. He passed a hand over his aching head, and the hair seemed to crisp and crackle under his touch. To his eyes there seemed, in several places, to be a faint, momentary, hovering luminousness—a bluish nodule on the hall ceiling where the iron pipe that had supported a chandelier would be, and again over the doors where rusty remnants of curtain rods remained. It occurred to him that, possibly, the house was the centre of some portending electrical disturbance gathering for a spring.

His attention was drawn back to the creeping figure on the stairs. The vague mutterings rose suddenly to a shout.

“Look, oh look ! The terror that walketh by night !”

The voice rose almost to a shriek. Lemuel's eyes followed the quavering pencil of light to the top of the staircase. There, sure enough, was cause for that frightened shriek. An incandescent column, as it had been the shrouded figure of a man glowing with fire, stood

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awaiting the intruder. Slowly it glided down to meet him, and as it did so the quavering hand which pointed a revolver towards it drooped, and the man seemed to crumble and collapse at the spectral feet. The horrified Lemuel had just time to discern that the apparition was a whirling, nebulous luminosity, when the appalling thing happened of which these bluish lights were the preceding phenomena. From skylight to cellar, with the leap and roar of an unchained devil, the lightning tore its way through the old house. Amid the blinding glare and the crash of the splintering woodwork, the staircase was shattered and buried in clouds of plaster. The walls gaped wherever the red-hot wires and melting pipes had drawn the terrible agency towards them. The exultant crash of thunder which followed the flash rocked the house. Choked by the sulphurous air, deafened, numbed, and half stupefied, Lemuel staggered forward. His instinct for self-preservation—a marked instinct to which he already owed much—warned

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him that to fall and lie unconscious was dangerous in more ways than one. The smouldering woodwork was already crackling into flame, and sounds from the street door indicated that the lightning's work had attracted attention from outside. He pulled himself together and stepped cautiously over the fallen *débris*. As he did so, the firelight showed before him a charred, twisted figure. He stopped, trying to overcome the nausea which prevented that search of the dead to which reason pointed. But the sounds from outside indicated that the front door was being forced. Lemuel stole silently and swiftly past his late companion and down the back hall. Noiselessly he opened the door and closed it behind him, sped across the neglected garden, through the tall gate and the passage, and so into the silent street and the welcome air of the open night.

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